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ABSTRACT

The Constitution of the Commonwealth of Kentucky and the Kentucky Revised Statutes contain many general provisions under which the institutions and programs of public higher education along with the various other state agencies and programs are administered in Kentucky. Chapters 164 and 165 of the Kentucky Revised Statutes, however, contain those statutes specifically related to higher education and the state supported colleges and universities and are reproduced in their entirety. The statutes include provisions for areas such as the Council on Higher Education; state support for the University of Louisville; state payments to municipal junior colleges participating in the Occupational Qualification Development Program; requirements for university programs; qualifications for members of the Board of Trustees; physical training and discipline of students regulations; and appointment, salaries, and retirement benefits of university personnel. (HS)

ED 067026

COMMONWEALTH OF KENTUCKY

KENTUCKY REVISED STATUTES

PERTAINING TO

HIGHER EDUCATION

June 1972

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Reproduced by:

THE KENTUCKY COUNCIL ON PUBLIC HIGHER EDUCATION
Capital Plaza Office Tower
Frankfort, Kentucky 40601

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PREFACE

The Constitution of the Commonwealth of Kentucky and the Kentucky Revised Statutes contain many general provisions under which the institutions and programs of public higher education along with the various other state agencies and programs are administered in Kentucky.

Chapters 164 and 165 of the Kentucky Revised Statutes, however, contain those statutes specifically related to higher education and the state-supported colleges and universities. These two chapters of the statutes are reproduced in their entirety in this publication for the purpose of providing a convenient reference for those citizens who from time to time need such information.

These statutes include the legislative actions of the Kentucky General Assembly up to and including the 1972 Session as provided the Council through the courtesy of the Legislative Research Commission.

This publication also contains a copy of the text of the Regional Compact of the Southern States as approved by the General Assembly in 1950.

Ted C. Gilbert
Executive Director
Council on Public Higher Education
June 1972

KENTUCKY COUNCIL ON PUBLIC HIGHER EDUCATION

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Mr. Fontaine Banks, Jr.	Frankfort	1975
Dr. Harold Barton	Corbin	1975
Mr. Charles Bringardner	Lexington	1972
Mr. Richard Cooper	Hazard	1974
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CHAPTER 164

STATE UNIVERSITIES AND COLLEGES;

REGIONAL EDUCATION

164.010 COUNCIL ON PUBLIC HIGHER EDUCATION; MEMBERSHIP, TERMS. There shall be a Council on Public Higher Education in Kentucky, to be composed of the Superintendent of Public Instruction, ten lay members appointed by the Governor, and the president or chief executive officer of each four-year state institution of higher education in the state. The Superintendent of Public Instruction and ten lay members shall constitute the voting membership of the council. The lay members shall be appointed for regular terms of four years, with the initial appointment of two members for one year, two members for two years, two members for three years and four members for four years. Any person, other than the Superintendent of Public Instruction, holding either an elective or appointive state office or who is a member of the governing board of any state or private college or university in Kentucky shall be ineligible for membership or appointment on the council during his membership or term of office. When the council meets to consider curricula for teacher education, three persons who are from accredited institutions of higher learning, and who have been appointed by the Executive Committee of the Kentucky Association of Colleges, Secondary and Elementary Schools, shall be invited to meet with the council in an advisory capacity.

164.020 POWERS AND DUTIES OF COUNCIL. The Council on Public Higher Education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; provided, however, that when such federal legislation requires representation on any such "single state agency" by private or non-state institutions of higher education in the state, the Commission on Higher Education, or its successor agency, shall be considered the "single state agency" as that term may be used in such federal legislation.

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent.

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations which shall be submitted to the Governor through the Department of Finance not later than November 15 of each odd numbered year.

(5) Review and approve all capital construction projects the cost of which exceeds one hundred thousand dollars approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the Department of Finance and/or State Property and Buildings Commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) Approve all graduate degree programs including all schools and degree programs for which professional, regional and/or national accreditation of the school or program is available and/or licensing or certification of the graduate are required. Review proposals and make recommendations to the Governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the Council on Public Higher Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) Prescribe the curricula for teacher education.

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS Chapter 18 and KRS 64.640 subject to the approval of the Commissioner of Personnel and the Commissioner of Finance.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

164.026 STATE SUPPORT FOR UNIVERSITY OF LOUISVILLE.

(1) The General Assembly recognizes the continuing need for education and research in Kentucky, and that the need is larger than the capacity of the facilities of the state universities to supply. The General Assembly finds that the University of Louisville helps to supply, for the entire state, the need, and declares that support of the University of Louisville is a public purpose for which public money may be validly expended.

(2) The University of Louisville shall keep its books and records available to the State Auditor. An audit of expenditure of public money by the university is subject to the laws generally governing audits of expenditures of public money.

164.027 OCCUPATIONAL QUALIFICATION DEVELOPMENT PROGRAM; STATE PAYMENTS TO PARTICIPATING MUNICIPAL JUNIOR COLLEGES.

(1) The Council on Public Higher Education shall have authority to provide for a program of occupational qualification development in the Commonwealth. The program may be provided for by contract with any recognized and accredited municipal junior college located within the Commonwealth. Such contract shall provide that the college shall admit to its course of instruction, up to such percentage of its full teaching capacity as may be fixed by contract, residents of the Commonwealth who make application to pursue the course of study of such college; provided, however, that such persons shall be certified to the council as to status or residency by the State Superintendent of Public Instruction and shall be eligible for admission to said junior college.

(2) The Council on Public Higher Education shall pay to the college not more than $200 per school year for each such student enrolled. Such payments shall be additional to the annual tuition fees paid by each such student. The council shall have authority to provide by contract that it pay the expense of specific research projects or programs conducted by the college. The council shall make an annual report of its occupational qualification development program after June 30 of each year, including an accounting of all moneys received and disbursed. The council shall have no authority to incur any obligation in excess of the sums that have been appropriated to it. (1962, c. 115, § 1, 1964, c. 26, § 1)

164.030 REGULATIONS OF COUNCIL TO BE FOLLOWED BY STATE EDUCATIONAL INSTITUTIONS. The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricular offerings, entrance fees and qualifications for admission to and reports from their respective institutions. (1952, c. 41, § 7)

164.050 EXPENSES OF MEMBERS. The members of the council shall serve without pay, but shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the council. Each institution shall pay the expenses of its own representatives. The expenses of the members of the State Board of Education and of the Superintendent of Public Instruction shall be paid by the state in the same manner as their other traveling expenses are paid.

164.060 MEETINGS; NUMBER OF; SPECIAL MEETINGS. The council shall meet at least four times each year at such times as it determines by resolution. Special meetings may be called by the chairman. Upon request of three institutions represented on the council, the chairman shall call a special meeting.

164.070 PLACE OF MEETING. The council shall meet in the office of the Superintendent of Public Instruction or such other place as it designates.

164.080 NOTICE OF MEETING. Notice of each meeting shall be given by the chairman at least ten days prior to the time of the meeting, unless all members of the council waive notice.

164.090 QUORUM; WHAT CONSTITUTES. A majority of the entire council constitutes a quorum for the transaction of business, but no business shall be transacted and no proposition carried unless a majority of the entire council votes for it.

UNIVERSITY OF KENTUCKY

164.100 UNIVERSITY OF KENTUCKY RECOGNIZED. The University of Kentucky located at Lexington, is recognized as established and maintained. It is the institution that was founded under the land grant of 1862 by the Congress of the United States under the corporate designation and title of "Agricultural and Mechanical College of Kentucky." The university shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do work such as is done in other institutions of corresponding rank, both undergraduate and postgraduate, and embracing the work of instruction as well as research.

164.110 ACTS ASSENTING TO ACTS OF CONGRESS FOR AGRICULTURAL EXPERIMENT WORK CONTINUE IN FORCE AND APPLY TO UNIVERSITY OF KENTUCKY. All Acts of the General Assembly giving assent to Acts of Congress providing aid for agricultural and mechanical colleges and for agricultural extension and experiment work, shall, unless heretofore repealed, remain in force and apply to the University of Kentucky. The revenue arising from such Acts of Congress shall continue to be made available to the University of Kentucky for its use in accordance with the provisions of such Acts. All regulations made by the board of trustees of the Agricultural and Mechanical College for its government, in accordance with Acts of the General Assembly, shall continue in force and apply to the government of the University of Kentucky, except to the extent set out in this chapter or specifically repealed.

164.120 COLLEGES MAINTAINED; WHAT CONSTITUTES UNIVERSITY OF KENTUCKY. The University of Kentucky includes the following colleges and schools: The College of Arts and Science, The College of Agriculture, The College of Engineering, The College of Law, The College of Education, The College of Commerce and The Graduate School. The colleges, schools, divisions, departments, bureaus and offices now established and maintained or which in the future may be established by the board of trustees of the university shall constitute the University of Kentucky. The branches of learning required by the Act of Congress approved July 2, 1862, shall continue to be integral and indispensable courses of instruction at the university.

164.125 UNIVERSITY PROGRAMS, REQUIREMENTS.

(1) The University of Kentucky shall provide:

(a) Baccalaureate programs of instruction;

(b) Upon approval of the Council on Public Higher Education, master degree programs, specialist degree programs above the masters degree level, and joint doctoral programs in cooperation with other state-supported institutions of higher education in the state;

(c) Upon approval of the Council on Public Higher Education, doctoral and post-doctoral programs and professional instruction including law, medicine, dentistry, education, architecture, engineering and social professions.

(2) The University of Kentucky shall be the principal state institution for the conduct of statewide research and statewide service programs and shall be the only institution authorized to expend state general fund appropriations on research and service programs of a statewide nature financed principally by state funds. As applied in this section, research and service programs of a statewide nature shall be programs requiring the establishment and operation of facilities or centers outside of the primary service area of the institution.

(3) The University of Kentucky is authorized to provide programs of a community college nature in its own community comparable to those listed for the Community College System, as provided by this chapter.

164.130 MEMBERS OF BOARD OF TRUSTEES OF UNIVERSITY; APPOINTMENT; TERMS; VACANCIES.

(1) The government of the University of Kentucky is vested in a board of trustees consisting of sixteen competent citizens of Kentucky appointed by the Governor, two non-voting members of the teaching faculty of the University of Kentucky, and one member of the student body of the University of Kentucky. The voting members of the board shall select a chairman annually. The terms of the appointed members shall be for four years and until their successors are appointed and qualified. Four of the sixteen appointed members shall be appointed each year. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the university, and ten shall be other distinguished citizens of the state representative of the learned professions. The Governor shall so make the appointments as to divide the representation on the board as equally as possible between the two leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The non-voting faculty members shall be teaching or research members of the faculty of the University of Kentucky of the rank of assistant professors, or above. They shall be elected by secret ballot by all faculty members of the university of the rank of assistant professor and above. Faculty members shall serve for terms of three years and until their successors are elected and qualify. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the teaching staff of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) The student member shall be the president of the student body of the university. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

(4) No member of the Board of Trustees or its administrative staff shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment or services, with exception of compensation to the two faculty members.

164.140 SELECTION OF ALUMNI TRUSTEES. The board of trustees of the university shall prescribe the method by which the alumni may, at their annual meeting or at a special meeting called for that purpose, nominate to the Governor three persons from whom the alumni members shall be appointed. No alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which he secures his degree. If the alumni fail to make nominations to the Governor for any year in which nominations are to be made, the Governor shall for that year appoint the alumni trustees from the entire alumni, a list of which shall be provided by the secretary of the alumni association.

164.150 TRUSTEES NOT PUBLIC OFFICERS. No member of the board of trustees shall be held to be a public officer by reason of his membership on the board.

164.160 TRUSTEES CONSTITUTE BODY CORPORATE; POWER TO RECEIVE AND ADMINISTER REVENUE AND PROPERTY. The board of trustees shall be a body corporate, under the name of Board of Trustees of the University of Kentucky, with the usual corporate powers, and shall possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educa-

164.160 Continued:

tional institutions. It may receive, hold and administer, on behalf of the university, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property.

164.165 UNIVERSITY MAY OPERATE PRINTING PLANT. The University of Kentucky, a state educational institution of higher learning which has an established printing plant therein and which is engaged in the publication of scholarly works as a related educational activity, may engage in the usual activities related to editing and publishing such scholarly works, including the printing thereof, for persons, or entities, engaged in any phase of higher education or related activities. (1966, c. 130)

164.170 MEETINGS OF BOARD; QUORUM; EXPENSES; PUBLIC CHARACTER.
(1) The board of trustees of the university shall meet on Tuesday preceding the regular annual commencment of the university, on the third Tuesday in September, on the second Tuesday in December, and on the first Tuesday in April of each year. Special meetings may be called by the chairman or by any three members upon giving ten days' written notice to each member of the board of trustees. The business to be transacted at special meetings shall be specified in the notice of the meeting. All meetings shall be held on the campus of the university unless otherwise specified by a majority vote of the board of trustees. A majority of the voting members of the board of trustees shall constitute a quorum. All necessary expenses incurred by the trustees in going to, returning from and while attending meetings of the board of trustees shall be paid out of the funds of the university.
(2) The meetings of the board of trustees shall be open to the public. The board of trustees shall cause a stenographic transcript of each of its meetings to be prepared and filed. An agenda for each of the meetings shall be sent to each member of the board of trustees and a copy thereof made available to the press. (1960, c. 112, § 2)

164.180 OFFICERS OF BOARD; BY-LAWS. The board of trustees may elect a vice-chairman and such other officers as it deems wise, and may make such by-laws, rules and regulations consistent with this chapter as it deems proper.

164.190 EXECUTIVE COMMITTEE. The board of trustees shall annually elect an executive committee of five members, which shall have the powers that the board delegates to it. The executive committee shall submit to the board of trustees at each meeting, for its consideration and approval, a complete record of the proceedings of the executive committee. The authority of the board to revise the acts of the executive committee does not extend to the rejection of any valid or any authenticated expenditure of money by the executive committee.

164.200 REGULATIONS FOR UNIVERSITY; PHYSICAL TRAINING AND DISCIPLINE OF STUDENTS. The board of trustees may establish proper regulations for the government of the university and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the university.

164.210 COLLEGES, DEPARTMENTS AND BUREAUS DETERMINED BY TRUSTEES. The trustees may determine from time to time the colleges, schools, divisions, departments, bureaus and offices which the university shall comprise within the scope of the Acts of Congress approved July 2, 1862, and Acts supplementary thereto, and the relation which each division shall sustain to each other division and to the whole. They may devise, allot and arrange the distribution of divisions with the designation appropriate for each, and devise the means required for their effective instruction, administration and government. They may do all other acts that are needful for the welfare of the university.

164.220 APPOINTMENT, SALARIES AND RETIREMENT BENEFITS OF UNIVERSITY PERSONNEL.

(1) The Board of Trustees may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, duties and official relations of each. In the appointment of presidents, professors or instructors no preference shall be shown to any religious denomination.

(2) The Board of Trustees shall provide the compensation for all positions created and filled by the board. In addition thereto the board may provide for employe retirement benefits and such other employe benefits as are related to the respective employments and services rendered.

(3) The Board of Trustees may establish and maintain such retirement plan or plans as it may deem to be for the best interests of the University of Kentucky, including but without limitation the retirement ages, the benefits of such employes including group insurance, annuities, establishment of a trust fund or funds; and, the amounts to be paid or contributed by such employes and the amounts to be paid or contributed by the University of Kentucky and other appropriate terms and provisions with respect thereto. (1964, c. 82)

164.225 BOARD TO HAVE EXCLUSIVE JURISDICTION OF APPOINTMENTS, QUALIFICATIONS, COMPENSATION, PROMOTIONS AND RETIREMENT PROGRAMS. Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employes of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employes, shall be under the exclusive jurisdiction of the Board of Trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth. (1952, c. 28, § 1)

164.230 REMOVAL OF PROFESSORS, OFFICERS, AND EMPLOYES. The board of trustees has full power to suspend or remove any of the officers, teachers, professors or agents that it is authorized to appoint, but no president, professor or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president, professor or teacher shall not be removed until after ten days' notice in writing stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board.

164.240 DEGREES GRANTED BY TRUSTEES. The board of trustees may grant degrees to graduates of the university, prescribe conditions upon which post-graduate honors may be obtained, and confer such honorary degrees, upon the recommendation of the faculty of the university, as it thinks proper.

164.250 REPORT TO LEGISLATURE. The board of trustees shall make a full report to the General Assembly, within the first month of each regular session, of the condition and operation of the university since the date of the previous report, with such recommendations concerning the university as are deemed necessary.

164.260 PURCHASE OR CONDEMNATION OF PROPERTY. The board of trustees may acquire additional lands or other property or material for the purpose of expanding its plant and extending its usefulness. When unable to contract with the owner of land or other property or material necessary for the purposes of the university, it may acquire the same by condemnation proceedings in the manner provided in KRS 416.010 to 416.080.

164.270 SALE OF REALTY; WHEN AUTHORIZED. Whenever any real estate held by the Commonwealth for the use or benefit of the University or the Kentucky Agricultural Experiment Station is, in the opinion of the board of trustees of the University, no longer necessary for the purpose of the University or more suitable for some other use consistent with the interests of the University, the board of trustees may, with the approval of the Governor, sell or otherwise dispose of such real estate. Such disposition shall be made in accordance with KRS 45.360. This section does not authorize the sale of any real estate situated in the city of Lexington within the area bounded by Winslow Street or Euclid Avenue on the north, Rose Street on the east, Graham Avenue, Graham Avenue extended, and Washington Avenue on the south, and Limestone Street on the west. (1966, c. 132., § 1)

164.280 TREASURER OF UNIVERSITY. The treasurer of the university shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required. (1946, c. 27, § 42)

STUDENT ACADEMIC RECORDS

164.283 STUDENT ACADEMIC RECORDS CONFIDENTIAL; EXCEPTIONS.

(1) As used in this section, unless the context otherwise requires:

(a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any non-academically-related action the institution may take.

(b) "Universities and colleges" means all public supported institutions of higher learning in Kentucky.

(c) "Institution" means all public supported institutions of higher learning in Kentucky.

(2) All student academic records shall be confidential, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in Kentucky, to any person, organization, institution, group or agency, except with the expressed consent of the individual student. This confidentiality shall apply only to student academic records, including, but not limited to official transcript of grades.

(3) All student records shall be made available upon request to any agency of the federal or state government for the purpose of determining a student's eligibility for military service, and shall include making such records available to local draft boards. This authority shall be limited only to determining the student's eligibility for military service and shall not be extended except with the individual student's consent as specified in subsection (2) of this section.

(4) Any institution may provide the legal parents of any student under twenty-one years of age with a copy of the student's academic record.

(5) All student records shall be made available upon request to any federal, state, or local law enforcement agency and any court of law.

(6) All student academic records shall be made available upon request to any grantor of scholarships or loans based upon the maintenance of a satisfactory level of scholarship, but shall be for the official use of the grantors only.

(7) All student records shall be made available upon request to a public or private junior college from which the individual student was graduated or to a public or private secondary school from which the individual student was graduated.

(8) All student records shall be made available upon request to the Council on Public Higher Education for professional academic research.

(9) All student records shall be made available upon request to any official of the university or college in which the student is enrolled who is directly concerned with the student's academic progress. This authority shall include but is not limited to the individual student's academic adviser.

(10) This section shall be applicable to all academic records maintained by all public supported institutions of higher education in Kentucky. (1970, c. 51, § 1)

INSTITUTIONS OF HIGHER LEARNING

164.285 PROVISIONS OF KRS 64.640 and 156.010 INAPPLICABLE TO INSTITUTIONS OF HIGHER LEARNING. KRS 156.010 and 64.640 and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky University, Western Kentucky University, Murray State University, and Morehead State University shall be included in the Department of Education and constitute a division thereof, are hereby repealed. (1952, c. 28, § 3)

164.287 MOTOR VEHICLE LIABILITY INSURANCE; CONDITIONS. Each board of regents or trustees of the state supported institutions of nigher learning is authorized to provide for liability and indemnity insurance against the negligence of drivers or operators of motor vehicles or other mobile equipment owned or operated by the board. If the transportation of members of the student bodies is let out under contract, the contract shall require the contractor to carry indemnity or liability insurance against negligence in such amount as the board designates. In either case the indemnity bond or insurance policy shall be issued by some surety or insurance company authorized to transact business in this state,

and shall bind the company to pay any final judgment not to exceed the limits of the policy rendered against the insured for loss or damage to property of any student or other person, or death or injury of any student or other person. (1962, c. 59)

164.288 POWER OF UNIVERSITIES AND STATE COLLEGES TO ACCEPT FEDERAL AID. Any of the state colleges or universities or the University of Kentucky or the state on behalf of any of the colleges or the universities may accept federal aid in the form of services, equipment, supplies, materials or funds by way of gift, grant or loan for the purpose of higher education including student loans. Any of the state colleges or the universities acting through its president or its governing board is hereby authorized to receive such services, equipment, supplies, materials and funds as are now available or may be made available. The colleges and the universities are hereby authorized to use funds appropriated to them in the 1959-1960 fiscal year in carrying out the matching provisions required by federal programs, loans or grants.

164.289 FACULTY MEMBER'S POWER TO VOTE. Notwithstanding any other provision of KRS Chapter 164, the faculty member of any governing board of any institution of higher education supported in whole or in part by state funds, whether or not described as non-voting, shall have the right to vote on all matters except that of faculty compensation.

STATE COLLEGES

164.290 STATE UNIVERSITIES RECOGNIZED; NAMES.

(1) The state colleges formerly designated as Eastern Kentucky State College, Morehead State College, Murray State College, Western Kentucky State College, and Kentucky State College may be known and recognized as Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, and Kentucky State University.

(2) Kentucky State University located at Frankfort, Kentucky, is a land-grant state institution and, as such, all the provisions of KRS Chapter 164, with the exception of the provisions of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four regional universities shall likewise apply to Kentucky State University.

164.293 NORTHERN KENTUCKY STATE COLLEGE RECOGNIZED; LAWS APPLICABLE.

(1) There is hereby recognized as established and maintained a state college in this Commonwealth to be designated and known as Northern Kentucky State College, the location of which shall be determined by the Council on Public Higher Education on the advice of a group of twelve (12) persons from the northern section of the state, to be appointed by the Governor, not more than six (6) of whom shall belong to the same political party.

(2) All the provisions of KRS Chapter 164, with the exception of subsection (2) of KRS 164.295 applying to the state universities shall apply to Northern Kentucky State College.

164.295 PROGRAMS OF STATE UNIVERSITIES. The five state universities shall provide:

(1) Baccalaureate programs of instruction;

(2) Upon approval of the Council on Public Higher Education, graduate programs of instruction at the masters-degree level in education, business, and the arts and sciences, specialist degrees and programs beyond the masters-degree level to meet the requirements for teachers, school leaders and other certified personnel;

(3) Research and service programs directly related to the needs of their primary geographical areas;

(4) And, may provide programs of a community college nature in their own community comparable to those listed for the University of Kentucky Community College System, as provided by this chapter.

164.300 PURPOSE OF STATE COLLEGES. The purpose of the state universities and colleges is to give instruction at the college level, in residence and through extension study, in academic, vocational and professional subjects and in the science and art of teaching, including professional ethics, to conduct training schools, field service and research, and to render such supplemental services as conducting libraries and museums, dormitories, farms, recreational facilities and offering instruction in such general and cultural subjects as constitute a part of their curricula.

164.310 BOARDS OF REGENTS CREATED. There shall be a board of regents for each of the state colleges, to be known as the Board of Regents of the . . . . . State University (or College). (1948, c. 11, § 2)

164.320 MEMBERS OF BOARDS OF REGENTS; APPOINTMENT; TERM; VACANCIES; OATH.

(1) The board of regents for Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University and Northern Kentucky State College shall each consist of eight members appointed by the Governor, one non-voting member of the teaching faculty, and one member of the student body of the respective university or college. The voting members of the board shall select a chairman annually.

(2) The terms of appointed members shall be for four years, and until their successors are appointed and qualified. Such appointments shall be made by the Governor within thirty days after the expiration of the term of each member. If the Governor should fail to make any such appointment within thirty days after the expiration of the term of any member, the remaining members of the board of regents of the particular university or college whose terms shall not have expired, shall make such appointment within sixty days after the expiration of such term.

(3) Not more than two appointed members of any board shall be residents of one county; nor more than four of the appointed members of any board shall belong to the same political party. Membership on the board shall not be incompatible with any other state office.

(4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

(5) Each appointed member of the board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(6) Each member of the board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

(7) The non-voting faculty member shall be a teaching or research member of the faculty of his respective university or college of the rank of assistant professor or above. He shall be elected by secret ballot by all faculty members of his university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three years and until his successor is elected and qualified. The faculty member shall be eligible for re-election, but he shall not be eligible to continue to serve as a member of such board if he ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(8) The student member shall be the president of the student body of the university or college on whose board of regents he is to serve. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

164.325 KRS 63.080 (2) APPLICABLE TO BOARD OF REGENTS. Subsection (2) of KRS 63.080 hereby is expressly made applicable to members of the Board of Regents of each of said universities or colleges. (1956, 1st ex. s., c. 7, Article XIV, § 2)

164.330 ORGANIZATION AND OFFICERS OF BOARDS OF REGENTS; EXPENSES. Each board of regents shall hold its first meeting within thirty days after each appointment of new members. The place of meeting shall be designated by the Superintendent of Public Instruction. At this meeting there shall be elected a vice-chairman and a secretary for the board. Each board shall appoint a treasurer, and such officers as it deems necessary but no member of any of the boards shall be appointed treasurer. No member of any board shall draw any salary for his services, but shall be reimbursed for necessary expenditures made in going to and from each meeting of the board and for other legitimate expenses. The expenses shall be paid out of the funds of the university or college.

164.335 MEMBERS OF GENERAL ASSEMBLY NOT TO SERVE ON GOVERNING BOARDS OF INSTITUTIONS OF HIGHER LEARNING. In addition to the qualifications provided in KRS 164.130 for members of the Board of Trustees of the University of Kentucky, in KRS 164.820 for members of the Board of Trustees of the University of Louisville, and in KRS 164.320 for members of the Board of Regents of other Kentucky universities and state colleges, no person who is a member of either house of the Kentucky General Assembly shall serve as a member of the Board of Trustees or Board of Regents of any state supported college or university.

164.340 MEETINGS OF BOARDS; QUORUM. Each board of regents shall meet quarterly at the university or college or at such other place as is agreed upon. Upon written request of the president of the university or college or of two members of the board, the chairman of the board shall call a special meeting at a place designated by him, and the board may at such special meeting transact any or all business that it may transact at a regular meeting. A majority of the members of the board shall constitute a quorum for the transaction of business, but no appropriation of money nor any contract that requires an appropriation or disbursement of money shall be made, and no teacher employed or dismissed unless a majority of all the members of the board vote for it.

164.350 GENERAL POWERS OF BOARDS OF REGENTS. The government of each of the state universities and colleges is vested in its respective board of regents. Each board of regents, when its members have been appointed and qualified, shall constitute a body corporate, with the usual corporate powers, and with all immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. Each board may:

(1) Receive grants of money and expend the same for the use and benefit of the university or college;

(2) Adopt bylaws, rules and regulations for the government of its members, officers, agents and employes, and enforce obedience to such rules;

(3) Require such reports from the president, officers, faculty and employes as it deems necessary and proper from time to time;

(4) Determine the number of divisions, departments, bureaus, offices and agencies needed for the successful conduct of the affairs of the university or college; and

(5) Grant diplomas and confer degrees upon the recommendation of the president and faculty.

164.355 AGRICULTURE AND MECHANIC ARTS DEPARTMENTS AT KENTUCKY STATE COLLEGE; FEDERAL FUND. The Kentucky State College shall maintain a department of agriculture and the mechanic arts, and for that purpose is entitled to receive and shall receive an equitable portion of the money appropriated to the state by an Act of Congress approved August 30, 1890. (1952, c. 41, § 9)

164.360 [4527-44; 4527-46] APPOINTMENT AND REMOVAL OF PRESIDENT, FACULTY AND EMPLOYES.

(1) Each board of regents may appoint a president and on the recommendation of the president may, in its discretion, appoint all faculty members and employes and fix their compensation and tenure of service, subject to the provisions of sub-section (2) of this section.

(2) No person shall be employed for a longer period than four years. No person shall be employed who is related to any member of the board of regents as father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, sister-in-law, or daughter-in-law, except that upon written recommendation of the president of the university or college, one such relative of each member of the board of regents may be appointed upon confirmation by the other three appointed members.

(3) Each board may remove the president of the university or college, and upon the recommendation of the president may remove any faculty member or employe, but no president or faculty member shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president or faculty member shall not be removed until after ten days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a president shall be preferred by the chairman of the board upon written information furnished to him, and charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his presence.

164.365 GOVERNING BOARDS OF INSTITUTIONS TO HAVE EXCLUSIVE CONTROL OF EMPLOYMENT, TENURE AND OFFICIAL RELATIONS OF EMPLOYES. Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employes of Eastern Kentucky University, Western Kentucky University, Murray State University, and Morehead State University, as provided in KRS 164.350 and 164.360, and of Kentucky State College, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

164.370 [4527-44; 4527-47] SUSPENSION OR EXPULSION OF STUDENTS. Each board of regents may invest the faculty or a committee of the faculty with the power to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination or immoral conduct. In every case of suspension or expulsion of a student the person suspended or excelled may appeal to the board of regents. The board of regents shall prescribe the manner and the mode of procedure on appeal. The decision of the board of regents shall be final.

164.380 [4527-50] PRACTICE SCHOOLS. The board of regents of each of the state universities or colleges may maintain, in connection with the college, a model and practice school under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to the student teachers.

164.390 [4527-48] INTEREST IN CONTRACTS PROHIBITED. No president, professor, teacher, regent, member of the executive council or other officer or employe shall be interested in any contract or purchase for the building or repairing of any structure or furnishing any supplies for the use of a university or college.

164.400 [4527-49] INCIDENTAL EXPENSES; FEES. The respective boards of regents of the state universities and colleges shall establish such incidental fees and non-resident tuition fees as will be sufficient for the purpose of paying the incidental expenses of the university or college and as are consistent with the recommendations of the Council on Public Higher Education. No money derived from non-resident tuition or other fees paid by students shall be used for any other purpose, except such amount as is over and above that needed to defray the incidental expenses.

164.410 [4527-44; 4527-51] ACQUISITION AND SALE OF PROPERTY. Each board of regents may, on such terms as it regards best for the university or college, purchase or lease land for the purpose of securing the erection of buildings, and may receive by any legal mode of conveyance, purchase and hold property of any description that the board deems necessary for the purposes of the school, and may build and construct improvements for such purposes and hold or sell the same. If a board of regents is unable to agree with the owner of such real estate as to its value, or to its purchase, it may proceed in its own name to condemn such real estate in the manner provided in KRS 416.010 to 416.080. Real estate acquired by purchase or condemnation shall be paid for out of money appropriated to the university or college. Each board of regents may, when it regards it best for the school, sell and convey any real estate, buildings or equipment owned by it, but the proceeds arising from the sale must be reinvested in other real estate, buildings and equipment for the use of the university or college.

164.420 [4527-56] TREASURER; DUTIES OF. The treasurer of each board of regents shall receive and disburse all money under the control of the board, perform all acts that pertain to his office under the direction of the board, and make a report of the same to the board at its quarterly meeting. In August each year the treasurer shall make and furnish to the board of regents, to be by it transmitted to the Superintendent of Public Instruction, an abstract containing full accounts of all money received and disbursed by the school during the preceding year, stating from what source received and on what account paid out, and the amount paid to each professor, teacher or official of the school.

164.440 [4527-55] DEPOSITORY; BOND AND DUTIES OF. Each board of regents shall appoint a bank or trust company to serve as its depository. The depository shall, before entering upon its duties, execute a bond for the faithful performance of the duties of the office, to be approved by the board. The bond shall be guaranteed by at least five solvent personal sureties whose solvency exceeds the amount of the bond, or by a surety company authorized to do business in this state, or through the execution of a collateral bond consistent with the general banking laws of this state and the bonding laws applying to the safeguarding of state funds. The depository shall be designated for a period of one year or a part thereof, and before entering upon its duties shall agree with the board of regents as to the amount of interest to be paid on average daily or average monthly balances. The interest shall not be less than two percent if the board pays the premium on the depository bond. The penal sum of the depository bond shall be determined by the board of regents and shall as nearly as possible cover the maximum amount of money that the board might have on hand in the depository at any one time. The depository

shall hold for the board, subject to its withdrawal at any time, all funds deposited by the treasurer or any agent of the board, and shall pay over to such person and in such manner as the board directs all funds so deposited. The depository shall keep full and complete accounts of all the board's funds, make such reports to the board or its authorized agents as the board directs, and keep and turn over to the successor of its office all records relating to its transactions and duties together with all public funds on hand.

164.450 [4527-52] SECRETARY; DUTIES AND COMPENSATION. The secretary of each board of regents shall keep and prepare all records, books and papers belonging to the board. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and "nays" on all questions shall be entered. He shall prepare under the direction of the board, all reports and estimates, and shall execute all matters belonging to his office. His compensation shall be fixed by the board.

164.460 [4527-53] REPORT OF PRESIDENT. The president of each university of college shall make to his board of regents written reports in duplicate during August each year. The reports shall contain a full account of receipts of money from all sources, amount and purpose of disbursements thereof, and the condition of the university or college.

164.470 [4527-57] FUNDS TO BE USED AS SPECIFIED. All appropriations, grants, gifts, bequests and donations to a university or college for a specified use shall be applied to such use and no other.

VETERANS' SCHOLARSHIPS

164.480 [4527-31; 4527-32] WAR VETERANS' SCHOLARSHIPS GRANTED. Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any state higher educational institution that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition, matriculations and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board. Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this section shall not apply to such veterans. (1944, c. 38, § 1; 1952, c. 41 § 11)

164.490 [4527-33] SCHOLASTIC REQUIREMENTS FOR SCHOLARSHIP. All persons eligible to the scholarship provided by KRS 164.480 shall meet the scholastic entrance requirements prescribed by the university or college for the course of study chosen by the applicant.

164.500 [4527-34] APPLICATION FOR SCHOLARSHIP. Each applicant for the scholarship provided by KRS 164.480 shall file his application for admission at least thirty days prior to the beginning of the semester of the school year at which he desires to enter. The application shall be accompanied by his certificate of honorable discharge from the service, which shall be returned to him upon admittance.

164.505 PERSON WHOSE PARENT WAS KILLED WHILE SERVING IN ARMED FORCES OR DIED AS A RESULT OF SERVICE CONNECTED DISABILITY NOT REQUIRED TO PAY MATRICULATION OR TUITION FEE TO STATE SUPPORTED INSTITUTIONS OF HIGHER LEARNING; CONDITIONS.

(1) Any person whose parent was a resident of the Commonwealth of Kentucky upon entrance into military service and who was killed while serving in the armed forces of the United States during wars declared by Congress or actions of the United Nations or who died as a result of a service connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

(2) In order to obtain the benefits conferred by subsection (1), the applicant therefor must have resided in Kentucky for five years next preceding his application for admission, and the parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. The father's service and the cause of death must be evidenced by certification from the Veterans' Administration records, its successor or the Department of Defense of the United States. In event one so admitted to a state supported institution of higher education under the provisions of this section shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

164.515 CHILD OF PERMANENTLY DISABLED WAR VETERAN, PRISONER OF WAR, OR OF SERVICEMAN MISSING IN ACTION NOT REQUIRED TO PAY TUITION; CONDITIONS.

(1) Any child or orphan of a permanently and totally disabled war veteran, or prisoner of war, or member of the armed services declared missing in action, who is over the age of seventeen and under the age of twenty-three shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of thirty-six months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(2) To be entitled to benefits under this section the parent of the child claiming benefits if living must be rated permanently and totally disabled for pension purpose or one hundred per cent disabled for compensation purposes by the United States Veterans' Administration of the Department of Defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the Department of Defense. The father's service and rating must be evidenced by certification from the Veterans' Administration records, its successor or the Department of Defense of the United States.

(3) In the absence of certification of permanent and total disability by the United States Veterans' Administration or the Department of Defense, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice in the Commonwealth of Kentucky or an official of an accredited medical hospital in the Commonwealth of Kentucky.

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence.

(5) To entitle a child or orphan to benefits under this section the disabled war veteran living or deceased must have served during time of war or the Korean conflict or subsequent periods of federally recognized hostilities in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident or if deceased, was a resident of the Commonwealth of Kentucky, and his residency must have been for a period of not less than five years immediately preceding June 16, 1966.

(6) To receive benefits under this section an eligible child, or orphan, must be a graduate of an accredited high school as recognized by the State Department of Education.

(7) No provision of this section shall serve to deny these benefits to an eligible child, or orphan, who enlists, or who fulfills a military obligation, in the Armed Forces of the United States and is discharged therefrom under honorable conditions; such period of time spent in the military service to be compensated by like time, beyond the age of 23 years if required, but not in excess of the period of enrollment as set forth in subsection (1) above.

(8) The marriage of an eligible child, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

IRREDEEMABLE BOND

164.520 IRREDEEMABLE BOND FOR BENEFIT OF UNIVERSITY OF KENTUCKY AND KENTUCKY STATE COLLEGE. The bond issued by the Commissioners of the Sinking Fund to themselves as trustees for the Agricultural and Mechanical College of Kentucky and the State Normal School for Colored Persons of Kentucky, bearing date July 1, 1897, for the sum of $165,000 and bearing interest at the rate of six percent, payable semiannually, remains in force and constitutes a perpetual obligation of the Commonwealth, and the interest thereon is a perpetual charge upon the treasury. The Department of Finance shall, on the first day of January and on the first day of July of each year, draw its warrant on the State Treasurer for the sum of $627.75 in favor of the treasurer of Kentucky State College, and its warrant on the State Treasurer for the sum of $4,322.25 in favor of the treasurer of the University of Kentucky. (1952, c. 41, § 12)

REGIONAL COMPACT

164.530 REGIONAL COMPACT OF SOUTHERN STATES FOR EDUCATIONAL SERVICES; APPROVAL AND SIGNATURE OF.

(1) The Regional Compact of Southern States for regional educational services (the text of which is set forth at length in Chapter 252 of the Acts of the 1950 General Assembly) be and the same is hereby approved and the State of Kentucky is hereby declared to be a party thereto, and the agreements, covenants, and obligations therein are declared to be binding upon the State of Kentucky.

(2) The Governor shall sign an engrossed copy of the Compact and sufficient copies be provided so that every State approving the Compact shall have an engrossed copy. (1950, c. 252, § §, 2, 3)

164.540 COUNCIL ON PUBLIC HIGHER EDUCATION DESIGNATED AGENCY OF STATE FOR PURPOSES OF REGIONAL COMPACT; RESTRICTIONS CONCERNING NEGROES.

(1) The Council on Public Higher Education in Kentucky as defined in KRS 164.010 is hereby designated as the agency of the Commonwealth of Kentucky charged with the responsibility and vested with all necessary authority, subject to the conditions and restrictions set out in subsection (2) of this section, to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits and privileges, devolving upon the Commonwealth of Kentucky and its citizens pursuant to the regional compact referred to in KRS 164.530, and to do all such other acts and things as may be necessary or desirable to implement the provisions of said regional compact efficiently and impartially for the benefit of all citizens of the Commonwealth.

(2) In its participation in the regional compact, or in any other regional plan having a similar purpose, the Commonwealth of Kentucky shall not erect, acquire, develop or maintain in any manner any educational institution within its borders to which Negroes will not be admitted on an equal basis with other races, nor shall any Negro citizen of Kentucky be forced to attend any segregated regional institution to obtain instruction in a particular course of study if there is in operation within the Commonwealth at the time an institution that offers the same course of study to students of other races.

COMMUNITY COLLEGES

164.575 DEFINITION FOR KRS 164.575 TO 164.600. As used in KRS 164.575 to 164.600, unless the context requires otherwise, "board" means the Board of Trustees of the University of Kentucky. (1962, c. 72, § 1)

164.580 UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SYSTEM; CURRICULA. The University of Kentucky Community College System is established. Each community college shall provide:

(1) A general two-year academic curriculum with credits transferable to two-year and four-year colleges and universities;

(2) Technical and semi-professional programs of two years or less; and

(3) Within a two-year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented. (1962, c. 72, § 2; 1966, c. 6, § 6)

164.591 LOCATION OF COMMUNITY COLLEGES. A community college shall be maintained in each of the following locations: Ashland, Carrollton, Cumberland, Elizabethtown, Glasgow, Henderson, Hopkinsville, Madisonville, Prestonsburg, Somerset, Blackey-Hazard, Jefferson County and Mason County. (1970, c. 3, § 1)

164.593 PADUCAH COLLEGE MAY BE INCLUDED IN SYSTEM PURSUANT TO AGREEMENT.

(1) The Board of Trustees of the University of Kentucky, (herein called board) may include Paducah Junior College in the system provided for by KRS 164.580 upon the concurrence of the board and the Board of Trustees of Paducah Junior College. Following the concurrence of the two boards an agreement shall be executed between the board and the Board of Trustees providing for the conversion of the existing facilities of Paducah Junior College and containing other provisions the parties deem appropriate and desirable.

(2) The agreement required by subsection (1) may provide for the transfer to the board of any funds accruing to Paducah Junior College as the result of any contract or agreement with any agency or instrumentality of the United States or the Commonwealth of Kentucky including any funds accruing pursuant to KRS 164.027.

(3) Upon the execution of the agreement required by subsection (1), any taxes levied under KRS 165.170 or 165.175 and paid to the trustees shall continue to be received by the Board of Trustees of Paducah Junior College. However, the trustees may in the agreement, provide for the expenditure of the taxes levied for such purposes as the trustees and the board may mutually agree. (1966, c. 189)

164.595 POWERS OF BOARD

(1) The board has the same powers with respect to the community colleges that it has as to the University of Kentucky in general. The board shall designate each community college with a name that includes the words "Community College."

(2) The board shall encourage and may accept donations of land or funds or both to be used in the acquisition, construction or operation of community colleges. The board may commemorate donations from private persons or corporations with suitable memorials.

(3) The board may accept federal grants to be used in the acquisition, construction, or operation of community colleges. (1962, c. 72, § 5)

164.597 NORTHERN COMMUNITY COLLEGE TO BE OPERATED BY NORTHERN KENTUCKY STATE COLLEGE; PROGRAMS. Upon prior concurrence of the Board of Trustees of the University of Kentucky and the Board of Regents of the Northern Kentucky State College, the Northern Community College at Covington shall be operated by the Board of Regents of the Northern Kentucky State College and shall no longer be considered part of the University of Kentucky Community College System. The Board of Regents of the Northern Kentucky State College shall provide programs of a community college nature at Northern Community College at Covington comparable to those listed for the University of Kentucky Community College System, as provided in this chapter. (1970, c. 3, § 2)

164.599 PROPERTY AND EQUIPMENT OF NORTHERN COMMUNITY COLLEGE TRANSFERRED TO NORTHERN KENTUCKY STATE COLLEGE; ACCRUED FUNDS FROM GOVERNMENT AGENCIES. All property of the Northern Community College at Covington and all property and educational equipment of the University of Kentucky designated for use by the Northern Community College at Covington shall become the property of the Northern Kentucky State College. Any funds accruing to the Northern Community College at Covington not previously expended while operated by the University of Kentucky as the result of any contract or agreement with any agency or instrumentality of the United States Government, the Commonwealth of Kentucky or local units of government shall be transferred to the Northern Kentucky State College. (1970, c. 3 § 3)

164.600 ADVISORY BOARD; MEMBERSHIP; EXPENSES.

(1) There shall be a local advisory board for each community college. Each local advisory board shall serve in an advisory capacity to the board and the head of the community college on the operation of the community college.

(2) Each local advisory board shall consist of nine members, seven of whom shall be appointed by the Governor. The other two local advisory board members shall be one non-voting member of the teaching faculty and one non-voting member of the student body. An appointed member's term is four years; however, when appointing the initial members of the local advisory boards, the Governor may appoint some members for terms of less than four years.

(3) The faculty member shall be on the teaching or research faculty of the community college. He shall be elected by secret ballot of all full-time faculty members of the community college. Faculty members shall serve for terms of three years and until their successors are elected and qualified. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the local advisory boards if they cease to be members of the teaching staff of the community college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

(4) The student member shall be the president of the student body of the community college. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

(5) Local advisory board members shall receive no compensation for their services, but shall be paid for their actual and necessary expenses. (1970, c. 140, § 1)

EXTENSION DISTRICTS

164.605 SHORT TITLE. KRS 164.605 to 164.675 may be cited as the District Cooperative Extension Service Law. (1962, c. 275, § 1)

164.610 PURPOSE. In enacting KRS 164.605 to 164.675, it is the intention of the General Assembly to provide for aid in disseminating among the people of Kentucky useful and practical information on subjects relating to agriculture, home economics and rural and community life and to encourage the application of the same in the several counties of the Commonwealth through extension work to be carried on in cooperation with the University of Kentucky College of Agriculture and Home Economics, and the United States Department of Agriculture as provided in the Act of Congress May 8, 1914, as amended by Public Law 83 of the 83rd Congress. (1962, c. 275, § 2)

164.615 DEFINITION FOR KRS 164.605 to 164.675. As used in KRS 164.605 to 164.675, unless the context requires otherwise:

(1) "Cooperative extension service district" or "extension district" means the district authorized by KRS 164.620;

(2) "County cooperative extension service council" or "extension council" means the organization authorized by KRS 164.625;

(3) "College of Agriculture" means the College of Agriculture and Home Economics of the University of Kentucky;

(4) "Extension Service" means the Cooperative Extension Service in Agriculture and Home Economics of the College of Agriculture of the University of Kentucky and the United States Department of Agriculture;

(5) "Director of Extension" means the director of the Kentucky Cooperative Extension Service of the College of Agriculture of the University of Kentucky;

(6) "District cooperative extension service board" or "extension board" means the board authorized by KRS 164.630 and 164.635. (1962, c. 275, § 3)

164.620 EXTENSION DISTRICTS AUTHORIZED. There is hereby authorized for each county an extension district whose boundaries shall be coexistent with the county boundaries. Such districts may be created by the fiscal court of that county. Each extension district shall constitute a governmental subdivision of the Commonwealth and a public body corporate. (1962, c. 275, § 4)

164.625 REGULATIONS, AUTHORITY AND DUTY OF DIRECTOR OF EXTENSION; EXTENSION COUNCIL, MEMBERSHIP, BY-LAWS.

(1) The Director of Extension is hereby authorized to promulgate regulations relating to the establishment of and continuation of extension councils. Said regulations may apply to a specific county.

(2) An extension council shall be established for each extension district. Each extension council shall be organized under regulations approved by the Director of Extension and shall be comprised of not less than fifteen citizens nor more than forty citizens of the county in which the extension district is located, subject to the provisions of subsection (2) of KRS 164.635. All members of the extension council shall be appointed by the county groups and organizations of the county whose major interest is in agriculture and home economics such as farm bureaus, homemaker councils, 4-H Club councils and various commodity groups but is not necessarily limited to those mentioned.

In event of question the eligibility of a group to appoint to the extension council shall be determined by the Director of Extension. The number of members of each extension council shall be determined by the size of the county, the diversity of agricultural interests of the county, and other like factors and shall be according to regulations mentioned in subsection (1) of this section. Each extension council shall adopt a set of bylaws providing for its operation and terms of membership according to the same regulations.

(3) All regulations issued under the provisions of this section shall be filed in accordance with KRS 13.085. Immediately after filing, the Director of Extension shall cause the text of every regulation to be published pursuant to KRS ch. 425. The Director of Extension shall also mail two copies of every regulation to the county court clerk of the county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. Additional distribution may be made at the discretion of the Director of Extension. (1962, c. 275, § 5; 1966. c. 239, § 149)

164.630 EXTENSION BOARD AUTHORIZED. An extension board may be created by the fiscal court of the county in which the extension district is located. The extension board, as the governing body of the extension council, shall be composed of the county judge and six other citizens residing within the extension district. (1962, c. 275, § 6)

164.635 EXTENSION BOARD; MEMBERSHIP, APPOINTMENT, TERM, VACANCIES.

(1) Appointment of the six members, other than the county judge, to the extension board shall be made by the county judge of the county in which the extension district is located. These appointments shall be made from nominations submitted by the extension council in the county in which said district is located. Said council, to be eligible to submit nominations, shall be organized and functioning in accordance with procedures approved by the Director of Extension.

(2) On or before November 1 of each year the extension council shall submit to the county judge a list of two nominees for each member to be appointed to the extension board. On or before December 1 of each year the county judge shall from this list appoint the required board members. If for any reason the county judge fails to appoint the required members by December 15 of the year in question, they may be appointed by the Director of Extension. On the first board two members shall be appointed for terms of three years, two for terms of two years and two for terms of one year. Thereafter, all appointments shall be for terms of three years and shall become effective on the first of January following appointment. Each member shall serve until his successor is appointed and qualified. Appointment of members to fill vacancies shall be in the same manner as those for other members. Board members may be appointed and the first board organized immediately after June 14, 1962. In this case the period served in 1962 shall be in addition to the regular terms of the members which start on January 1, 1963. Each board member shall, by virtue of his membership on the board, become a member of the extension council. This membership on the extension council may be in addition to the maximum of forty as listed in subsection (2) of KRS 164.625. (1962, c. 275, § 7)

164.640 ORGANIZATION. On or before January 15 following the creation of the extension board, the county judge shall call all duly appointed board members together for an organization meeting. The county judge shall serve as chairman until all officers are elected. The officers of the board shall consist of a chairman, vice-chairman, secretary and treasurer. The positions of secretary and treasurer may be held by the same person and this person may be other than a board member, with the approval of the Director of Extension. (1962, c. 275, § 8)

164.645 MEETINGS REQUIRED. The extension board shall meet annually during the month of January for the election of officers and for the transaction of other necessary business and may hold such other meetings during the year as shall be determined and fixed by the extension board. (1962, c. 275, § 9)

164.650 DUTIES OF OFFICERS; OATH.

(1) The chairman of the extension board shall preside at all meetings of the board, have authority to call special meetings of said board upon such notice as shall be fixed and determined by the extension board, and shall call special meetings of the extension board upon the written request of the majority of the members of said board, and in addition to the duties imposed upon him by KRS 164.605 to 164.675, perform and exercise the usual duties performed and exercised by a chairman or president of a board of directors of a corporation.

(2) The vice-chairman, in the absence or disability of the chairman or his refusal to act, shall perform the duties imposed upon the chairman and act in his stead.

(3) The secretary shall perform the duties usually incident to this office. He shall keep the minutes of all meetings of the extension board. He shall sign such instruments and papers as provided for in KRS 164.605 to 164.675 and as may be required from time to time by the extension board.

(4) The treasurer, within ten days after his election as treasurer and before entering upon the duties of his office as treasurer, shall execute to the extension board a corporate surety bond of one hundred twenty-five percent of the amount, as near as can be ascertained, that shall be in his hands as treasurer at any one time. The cost of said corporate surety bond for the treasurer shall be paid out of the District Cooperative Extension Education Funds. After said treasurer executes said corporate surety bond, he shall receive, deposit and have charge of all of the funds of the extension board and shall pay and disburse said funds as provided for by KRS 164.605 to 164.675 and as may be required from time to time by the extension board.

(5) All members of the extension board shall take and sign the usual oath of public officers.

(6) Each of the officers of the extension board shall perform and carry out the duties as provided for in this section and shall perform and carry out such other duties as shall be required of them from time to time by the extension board. (1962, c. 275, § 10)

164.655 EXTENSION BOARD, POWERS AND DUTIES. The extension board of each extension district shall have the following powers and duties:

(1) To serve as an agency of the Commonwealth and to manage and transact all of the business and affairs of its district and have authority to acquire property necessary for the conduct of the business of the district for the purposes of KRS 164.605 to 164.675;

(2) To enter into an annual memorandum of agreement with the extension service and the extension district. This memorandum of agreement shall set forth the policy pertaining to (a) appointment of personnel to serve in the district, (b) financing of extension work in the district, and (c) responsibilities of the cooperating parties in planning and executing the program;

(3) To, and shall as soon as possible following the first meeting in which the officers are elected and annually thereafter, file in the office of the county clerk a certificate signed by its chairman and secretary, certifying the names, addresses and terms of office of each member and the names and addresses of the officers of the extension board with the signatures of the officers affixed thereto, and said certificate shall be conclusive as to the organization of the extension district, its extension board and as to its members and its officers;

(4) With the advice of the extension council, to make and adopt such rules and regulations not inconsistent with the law as it may deem necessary for its own government in the transaction of the business of the extension district;

(5) To cooperate with the extension service and the extension council in conducting an extension program in agriculture, home economics, youth work and related subjects in the extension district. Said program shall be planned and executed upon the advice, recommendations and assistance of the extension council with the board to make final decisions;

(6) To cooperate with other extension districts in the employment of personnel, conduct of programs and sponsorship of activities for the mutual benefit of each;

(7) To cooperate with all extension organizations, farm organizations, state and federal agencies, civic clubs and any other organizations who may be interested in and willing to cooperate in conducting the extension programs in the extension district;

(8) To prepare annually not later than April 15 of each year in cooperation with the Director of Extension an extension district budget for the ensuing year. This budget shall be prepared with consideration being given to the advice and recommendations of the extension council, must be consistent with financing policies of the extension service and shall reflect the agricultural, home economics, youth and related subject matter needs of people in the extension district;

(9) To deposit all district extension education funds in a bank or banks approved by it in the name of the extension district. These receipts shall constitute a fund known as the District Cooperative Extension Education Fund which shall be disbursed by the treasurer of the extension board in accordance with the annual budget and the annual memorandum of agreement between the board and the extension service;

(10) To, from time to time when necessary and on approval of the fiscal court, borrow such funds as may be required to meet the financial obligations of the extension district; provided, however, that the extension board cannot in any fiscal year incur indebtedness in an amount which would be in excess of the anticipated revenue of said district for the fiscal year. The amount of the anticipated revenue shall be certified to said board by the fiscal court of the county in which the district is located;

(11) To expand the District Cooperative Extension Education Fund for salaries and travel expense of extension personnel, rental, office supplies, equipment, communications, office facilities, services and property acquisition and in payment of such other items as may be necessary to carry out the extension district program;

(12) To carry over unexpended District Cooperative Extension Education Funds into the next fiscal year so that funds will be available to carry on the program; provided, however, that such anticipated carry-over funds shall be taken into consideration in the formulation of the extension district budget for the ensuing year;

(13) To file with the county fiscal court or board of commissioners and directors of extension and to publish in one newspaper of general circulation in the county before October 1 of each year a report under oath of all receipts and expenditures of such District Cooperative Extension Education Funds showing from whom received, to whom paid and for what purpose for the last fiscal year;

(14) To be remunerated from the District Cooperative Extension Education Fund for actual expenses incurred in the performance of services for the extension district; provided, however, that payments for expenses must be approved by the extension board.

(15) To accept contributions from fiscal courts and boards of education for use in conducting extension work in the extension district as provided for under KRS 247.080;

(16) To accept private funds for use in conducting extension work in the extension district; provided, however, that the acceptance of all such contributions must be approved by the Director of Extension; and

(17) To collect reasonable fees for specific services which require special equipment or personnel such as soil testing services, seed testing services or other services in support of the educational program of the extension district. (1962, c. 275, § 11)

164.660 EQUAL OPPORTUNITY; BOARD MEMBER RESTRICTIONS.

(1) The extension board and all persons employed in the extension district shall in planning and executing the extension program provide opportunities for all citizens of said district regardless of race, creed or status to cooperate with and receive free the educational benefits from such programs.

(2) No near relative of a member of an extension board may be employed in extension work in the extension district in which the member is serving.

(3) Extension districts shall not engage in commercial activities or enterprises except as provided for in subsection (17) of KRS 164.655.

(4) No member of the extension board, excepting the county judge, shall at the same time serve in any elective office in the county, city, state or federal governments. (1962, c. 275, § 12)

164.665 BUDGET; TAX AUTHORIZED; COLLECTION; RATE LIMITATION.

(1) Following the preparation of the budget provided for in subsection (8) of KRS 164.655, the extension board shall present the budget to the fiscal court of the county in which the extension district is located. The fiscal court may accept or reject the budget in whole or in part, subject to the provisions of KRS 247.300. If the fiscal court accepts the budget, and if the fiscal court is unable to provide all or any part of the funds of the budget under the provisions of KRS 247.080, the fiscal court is empowered to levy a tax for said funds.

(2) This tax shall be known as the District Cooperative Extension Education Tax and shall be levied on all property assessed for taxation in the extension district subject to the full county rate.

(3) The taxes authorized by this section shall be collected in the same manner as are other county ad valorem taxes and shall be turned over to the extension board as the governing body of the taxing district. This tax shall be limited to a rate which will, based on current property assessments, provide revenue in an amount sufficient to meet the proposed expenditures of the extension district for the ensuing year; provided, however, that in no extension district can said tax be set at a rate which will yield annual revenue in excess of the following amounts:

In counties with assessments of --	
500 million and above	$75,000
100 million and under 500 million	50,000
50 million and under 100 million	25,000
25 million and under 50 million	15,000
15 million and under 25 million	10,000
10 million and under 15 million	7,500
Under 10 million	5,000

In addition to the above limitations, in no extension district shall the tax exceed seven cents on each one hundred dollars of the assessed valuation of all property in the district.

(4) All or any portion of the district extension budget may be financed from a District Cooperative Extension Education Tax and/or by contributions from other sources. (1962, c. 275, § 13)

164.670 REVENUES PAYABLE TO TREASURER. All revenues realized from a District Cooperative Extension Education Tax shall be due and payable to the duly elected treasurer of the extension board on or before the fifteenth of each month following collection. (1962, c. 275, § 14)

164.675 DIRECTIVE TO EXTENSION BOARD. The extension board is specifically directed to cooperate with the extension service and the United States Department of Agriculture in the accomplishment of the district cooperative extension education program contemplated by KRS 164.605 to 164.675. To the end that the state and federal funds allocated to the extension service and the Cooperative Extension Education Fund of each district may be more efficiently used by the extension service and the extension board, the Director of Extension shall coordinate the cooperative extension education programs in the several extension districts. (1962, c. 275, § 15)

ARCHAEOLOGY

164.705 DECLARATION OF POLICY. It is hereby declared to be the public policy of the Commonwealth to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology and anthropology. (1962, c. 278, § 1)

164.710 DEFINITIONS FOR KRS 164.705 TO 164.735. As used in KRS 164.705 to 164.735, unless the context otherwise requires:

(1) "Archaeological site" means any place where articles of value in the scientific study of historic or prehistoric human life and activities may be found, such as mounds, earthworks, forts, mines, burial grounds, graves and village or camp sites of Indians or any aboriginal race or pioneers.

(2) "Object of antiquity" means a ruin, monument, relic, bone deposit, artifact or any product of human workmanship of Indians or any aboriginal race or pioneers.

(3) "Department" means the Department of Anthropology of the University of Kentucky. (1962, c. 278, § 2)

164.720 PERMIT REQUIRED TO EXCAVATE.

(1) No person shall explore, excavate, appropriate or remove from land owned or leased by the Commonwealth or any state agency or any political subdivision or municipal corporation of the Commonwealth, any archaeological site or object of antiquity without first obtaining a permit from the Department of Anthropology upon the recommendation of the agency owning or having control of the land upon which the same is situated.

(2) If exploration or excavation of archaeological sites and the finding and gathering of objects of antiquity is undertaken for the benefit of reputable museums, universities, colleges or other recognized scientific or educational institutions with a view to promoting the knowledge of archaeology or anthropology, permits shall be regularly granted.

(3) Each permit issued by the department under this section shall accurately describe the location and sites of the ruins or deposits where the exploration or excavation is to be conducted and shall authorize such actions only at such location. The permit shall be upon such conditions as the department shall deem advisable for maximum effective exploration with a minimum of injury to

the surrounding terrain. Each permit shall terminate upon the following thirty-first day of December, subject to an annual renewal on or before the following January 15. However, any permit may be revoked by the department at any time upon finding that explorations or excavations authorized by the permit are not being conducted lawfully or properly in accordance with its terms. (1962, c. 278, § 4)

164.725 AUTHORITY TO MARK LOCATIONS. The department may designate archaeological sites and objects of antiquity and cause to be posted at the locations thereof appropriate signs or markers. (1962, c. 278, § 5)

164.730 REPORT DISCOVERY. Any person who discovers an archaeological site or object of antiquity in the course of construction work or otherwise shall report such discovery to the department. (1962, c. 278, § 6)

164.735 AUTHORITY TO CONTRACT WITH PRIVATE OWNER. The department may enter into contracts or cooperative agreements with private landowners relating to the preservation and proper exploration of any archaeological site or object of antiquity situated on such private land. The department may acquire, with any funds available to it for such purpose, title to any real estate upon which is located an archaeological site or object of antiquity which the department determines it is important to be preserved. (1962, c. 278, § 7)

HIGHER EDUCATION ASSISTANCE

164.740 DEFINITIONS. As used in KRS 164.740 to 164.764 the terms listed below shall have the following meanings:

(1) "Authority" is the Kentucky Higher Education Assistance Authority.

(2) "Board" is the Board of Directors of the Kentucky Higher Education Assistance Authority.

(3) "College" is any institution of higher learning which is accredited by the Southern Association of Colleges and Secondary Schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma. For the purposes of this Act, the term "college" also includes the Madisonville Cooperative College Extension Center.

(4) "School of Nursing" is any training program in the field of nursing, including one regarding nurse aides, which is accredited by the Kentucky Board of Nursing Education and Nurse Registration (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(5) "Vocational School" is any vocational school, which is accredited by the Kentucky State Board of Education (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(6) "Business School" is any business school which is accredited by the Commission for Business Schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(7) "Educational Institution" is any college, school of nursing, vocational school, or business school within the meaning of subsections (3), (4), (5), or (6) above. (1966, c. 93, § 3)

164.742 KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY CREATED. There is hereby established a body corporate and politic constituting a public corporation and governmental agency and instrumentality of the Commonwealth by the name of the "Kentucky Higher Education Assistance Authority". (1966, c. 93, § 1)

164.744 PURPOSE OF AUTHORITY. The purpose of the Kentucky Higher Education Assistance Authority shall be to improve the higher education opportunities of persons who are residents of Kentucky and who are attending or planning to attend institutions of higher learning, vocational schools, schools of nursing, or business schools in Kentucky by providing scholarships and loan guarantees. Such purpose is hereby declared to be a public purpose for which public money may be spent. (1966, c. 93, § 2)

164.746 BOARD OF DIRECTORS; MEMBERS; TERMS; VACANCIES; OFFICERS; COMPENSATION; MEETINGS; RULES AND REGULATIONS.

(1) The authority shall be governed and all of its powers, duties, and functions exercised by a Board of Directors. The board shall consist of seven members who shall be appointed by the Governor. In addition, the executive director of the Council on Public Higher Education and the Commissioner of Finance shall serve as ex officio members. The term of office of appointed members shall be eight years, except that the terms of the members first appointed shall be as follows: two shall serve for a term ending December 31, 1967; two shall serve for a term ending December 31, 1969; two shall serve for a term ending December 31, 1971; and one shall serve for a term ending December 31, 1973. Each member shall serve for the term for which he is appointed and until his successor is appointed.

(2) Appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(3) The board shall elect from its membership a chairman and vice chairman who shall each serve for a term of four years, except that the term of the first chairman and vice chairman shall end on December 31, 1967.

(4) Board members shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.764.

(5) The board shall provide for the holding of regular and special meetings. A majority of the members shall constitute a quorum for the transaction of any business.

(6) The board shall adopt rules and regulations, not inconsistent with law, governing the conduct of the authority and may appoint such officers and employes as necessary and may fix their compensation, and shall prescribe their duties; provided, however, that the responsibility for the management of all funds shall be vested in the Department of Finance. (1966, c. 93, § 4)

164.748 POWERS OF BOARD. The board shall have the following powers, functions, and duties:

(1) To guarantee the loans of funds, upon such terms and conditions as the board may prescribe within the limitations provided by KRS 164.740 to 164.764, to individuals who are residents of Kentucky and who are attending or planning to attend a college, school of nursing, business school or vocational school in Kentucky. The board may require such additional security including cosigners or other reasonable collateral security, as it deems necessary and desirable. The purpose of such loans shall be to assist such individuals in meeting the expense of the education involved.

(2) To procure a policy or policies of group life insurance or other insurance to insure the repayment of loans guaranteed by the authority in the event of death or total and permanent disability or other nonpayment of any individual for whom a loan is guaranteed by the provisions of KRS 164.740 to 164.764.

(3) To award scholarships, as provided in KRS 164.740 to 164.764, to students who are residents of Kentucky.

(4) To enter into contracts with financial institutions, approved by the state to lend moneys, upon such terms and conditions as may be agreed upon between the authority and the financial institution, to provide for the administration of any loans guaranteed by the authority including applications therefor and repayment thereof.

(5) To enter into contracts with educational institutions, upon such terms and conditions as may be agreed upon between the authority and the educational institution, to provide for the administration of any loan guaranteed by the authority, including applications therefor and repayment thereof, or any scholarship granted by the authority.

(6) To receive funds from any source, public or private, by gift, grant bequest, loan, or otherwise, either absolutely or in trust, and to expend the same, on behalf of the authority and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal or mixed, absolutely or in trust, and to hold, administer, and dispose of the same, on behalf of the authority and for any of its purposes; provided, however, that the authority shall have no authority to make its debts payable out of any funds except those of the authority.

(7) To administer federal loan funds allotted to the State; provided, however, that the authority has been designated as the agency to administer such funds.

(8) To sue and be sued in the name of the authority.

(9) To collect from individual borrowers loans which were guaranteed by the authority and regarding which the authority has been compelled to meet its guarantee obligations following the inability of lending institution involved to collect such loans.

(10) To prepare a catalog of all scholarships and aid programs of every nature whatsoever available to students attending or planning to attend institutions of higher education. Such catalogs shall be provided to each high school and college library in Kentucky and made current from time to time.

(11) To adopt rules and regulations, not inconsistent with law, governing the application for, the granting, administration, repayment and guarantee loans guaranteed by the authoirty, the award of scholarships, and governing any other matters relating to the activities of the authority.

(12) To approve educational institutions in which students may enroll and receive assistance under KRS 164.740 to 164.764.

(13) To perform such other acts as may be necessary or appropriate to carry out effectively the purposes of the authority as provided by KRS 164.740 to 164.764. (1966, c. 93, § 5)

164.750 PRESCHOLARSHIPS AND RETROACTIVE SCHOLARSHIPS; STANDARDS; PAYMENTS; REFUNDS; RENEWALS.

(1) The board may establish and prescribe the standards for a prescholarship program and retroactive scholarship program for residents of Kentucky attending educational institutions in the Commonwealth which have been approved in accordance with KRS 164.748 (12). The retroactive scholarship program, the only scholarship program for which state money may be used to fund, shall be given a retroactive effect by forgiving the repayment of loans of students who have completed their courses of study with a final standing in the upper twenty-five percent of their graduating class. Any retroactive scholarship program shall be based upon the availability of funds, and priority shall be given in order from the highest standing to the lowest standing.

(2) In the instance of retroactive scholarships:

(a) The board shall cause to be paid to the lending institution immediately after graduation the total amount of the scholarship from the Scholarship Fund for retroactive scholarships.

(b) The board may transfer from the Loan Guarantee Fund to the Scholarship Fund any amount of funds in excess of a ten to one ratio of loans guaranteed to the reserve in the Loan Guarantee Fund.

(c) The amount of the retroactive scholarship shall not exceed the total tuition cost.

(3) In the instance of pre-scholarships:

(a) Before an award may be made, the student must have been accepted by an approved educational institution in Kentucky.

(b) The amount shall not exceed the tuition charges at such institution selected by the student.

(c) Payment shall be made directly to the institution on behalf of the student.

(d) Refunds to the authority shall be required from the institution for students withdrawing during a school year on the same basis that refunds are made to other students.

(e) Renewals may be made each year until the education program is completed or terminated for other reasons; provided the student meets minimum standards to remain at the institution to which he originally enrolled. (1966, c. 93, § 6)

164.752 LOAN GUARANTEES; INTEREST; INTEREST CHARGE; AMOUNT, TERMS AND CONDITIONS OF LOANS.

(1) The board may provide loan guarantees to any student who is a resident of Kentucky and who is attending or planning to attend an approved educational institution; provided, however, that he meets and continues to meet the minimum standards of that institution during his attendance thereat. The total aggregate of all loans shall not at any time exceed fifteen times the fund balance in the Loan Guarantee Fund.

(2) No loan which is guaranteed shall bear interest at a rate in excess of six percent per annum, including all incidental expenses that may be charged by the lender. In addition, the authority shall not under any circumstances guarantee any loan which bears interest at a rate higher than the then prevailing rate of interest which the lender charges to other persons for similar type loans which are not guaranteed by the authority.

(3) The board may assess a special interest charge, not to exceed one percent per annum, to defray authority administrative costs. Any special interest charge shall be paid to the authority by the lending agency making the loan, and the charge shall be used exclusively for the purpose of meeting the expenses of the authority and maintaining the available fund balance in the Loan Guarantee Fund.

(4) The interest on any loan guaranteed by the authority shall be paid at least annually throughout the period during which the borrower is regularly pursuing his education program to which the loan is applicable.

(5) The amount of any loan to be guaranteed shall be determined on the basis of need, but in no instance shall it exceed $1,500 for any school year nor an aggregate total of $7,500.

(6) The terms and conditions of any loan guaranteed by the authority shall not require the borrower thereof to commence the repayment of the principal amount of his loan earlier than six months following his completion or other termination of the education program for which such loan was made. Such a borrower shall not be required to repay in full any such loan earlier than within two years following completion or other termination of his education program if the principal amount of his loan does not exceed $1,000; or four years if such principal amount exceeds $1,000 but is not more than $2,000; or six years if such principal amount exceeds $2,000 but is not more than $3,000; or eight years if such principal amount exceeds $3,000 but is not more than $4,000; or ten years if such principal amount exceeds $4,000 but not more than $5,000; or twelve years if such principal amount exceeds $5,000.

(a) Exceptions to this schedule, at the discretion of the board, may be given to students having a formal internship, residency training, or fellowship where applicable, such as in the instance of medical and dental students.

(b) If borrowers are on active duty in the Armed Forces for not more than two years, consideration shall be given to financial need in determing the period of repayment.

(c) If a conflict exists between KRS 164.740 to 164.764 and federal legislation, the board is authorized, in instances directly involving federal funds, to establish policies consistent with the applicable federal legislation. (1966, c. 93, § 7)

164.754. SCHOLARSHIP FUND; LOAN GUARANTEE FUND; ADMINISTRATION ACCOUNT; CREATION; EXPENDITURES FROM.

(1) There are hereby created in the State Treasury for the purpose of carrying out the purposes of KRS 164.740 to 164.764 the following special funds:

(a) A "Scholarship Fund" to which shall be credited all funds appropriated by the General Assembly to the authority for scholarships, and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account, and shall not lapse.

(b) A "Loan Guarantee Fund" account to which shall be credited all funds appropriated by the General Assembly to the authority for the purpose of guaranteeing loans to qualified students, and all funds obtained from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account, and shall not lapse. These funds may be invested as provided by law for the investment of Kentucky public employe retirement system funds. At any time the ratio of the aggregate total of loans made to students under KRS 164.740 to 164.764 to the amount in the Loan Guarantee Funds becomes less than fifteen to one, the board shall transfer a sufficient amount of funds to the state general fund appropriation to bring the ratio up to that sum; provided, however, that the funds transferred shall not exceed the amount appropriated by the General Assembly for the guarantee of loans.

(c) An "Administration" account to which shall be credited all funds appropriated by the General Assembly to the authority for administration and all funds received from the special interest charge. Any balance in this account at the closing of the fiscal year shall be transferred to the "Loan Guarantee Fund" account.

(2) The only expenditures authorized to be made from the Scholarship Fund Account shall be for scholarships, and the only expenditures authorized to be made from the Loan Guarantee Fund account shall be for the payment of default accounts and insurance on borrowers. Funds may be transferred from the Loan Guarantee Fund to the Scholarship Fund as provided in KRS 164.750 (2) (b). (1966, c. 93, § 8)

164.756 NON-AGE NOT DISQUALIFYING FOR LOAN GUARANTEE. Any person otherwise qualifying for a loan guaranteed by the Kentucky Higher Education Assistance Authority shall not be disqualified by reason of his being under the age of twenty-one years; and any such person, for the purpose of applying for, receiving, and repaying such loan, notwithstanding the provisions of existing laws, shall be deemed to have full capacity to act and shall have all the rights, powers, privileges, and obligations of a person of full age with respect thereto. (1966, c. 93, § 9)

164.758 PROPERTY OF AUTHORITY TAX EXEMPT, CONTRIBUTIONS TO BE DEDUCTIBLE FROM INCOME OR FRANCHISE TAXES.

(1) All property and income of the Kentucky Higher Education Assistance Authority shall be exempt from all taxes and assessment of any nature whatsoever.

(2) Notwithstanding the provisions of any general or special law or the provisions of any certificate of incorporation, charter, or other articles of organization, all domestic corporations or associations organized for the purpose of carrying on business in this state and any person or group is hereby authorized to make contributions to the Kentucky Higher Education Assistance Authority, and such contributions shall be allowed as deductions in computing the net taxable income of any such person, corporation, or association for the purposes of any income, franchise, or other tax of any nature whatsoever imposed by the state or any political subdivison thereof. (1966, c. 93, § 10)

164.760 SUPERVISION BY BANKING AND SECURITIES DEPARTMENT; ANNUAL AUDIT REPORT. The authority shall be subject to the supervision and examination of the Department of Banking and Securities (or any successor), but shall not be deemed to be a banking organization not required to pay a fee for any such supervision or examination. The authority shall file an annual audited financial report with the Governor within ninety days after the close of the fiscal year. The annual audit shall be made by an independent certified public accountant. The annual audited financial report shall include but may not be limited to the financial condition of the authority as of the end of the fiscal year and the revenues and expenditures for the fiscal year. The fiscal year shall be from July 1 through June 30. (1966, c. 93, § 11)

164.762 DURATION OF AUTHORITY. The authority and its corporate existence shall continue until terminated by law upon a finding that there no longer exists any need for such an authority; provided, however, that no such law shall take effect so long as the authority shall have any loan guarantees outstanding. Upon the dissolution of the authority or cessation of activities, all of the property and moneys of such authority shall become the property of the Commonwealth to be used for educational purposes. (1966, c. 93, § 12)

164.764 MONEYS OF AUTHORITY APPROPRIATED; NOT TO LAPSE. All moneys and property received by the authority for purposes prescribed in KRS 164.740 to 164.764 are hereby appropriated to the authority for use as prescribed herein. State monies appropriated that are not spent at the end of the fiscal year shall not lapse. (1966, c. 93, § 13)

ASSISTANCE TO PRIVATE COLLEGE STUDENTS

164.780 FINANCIAL ASSISTANCE TO STUDENTS ATTENDING PRIVATE INSTITUTIONS.

(1) As a result of the rising school population and the continuously rising cost of providing for the higher education of young people, there exists in the Commonwealth of Kentucky an urgent need to use all available educational resources wisely;

(2) Within the Commonwealth, there exist accredited independent colleges and universities whose facilities are available for use in the public interest by providing additional space for students;

(3) In the Commonwealth there are qualified residents who are willing to bear the major costs of their education by attending an independent college or university;

(4) It intends to offer to qualified Kentucky residents who bear the major cost of attending accredited independent colleges and universities within the Commonwealth a tuition or fees grant as supplementary aid to students where need exists.

164.785 QUALIFICATIONS FOR STATE ASSISTANCE; CALCULATION; ADJUSTMENT FOR SCHOLARSHIP.

(1) The State of Kentucky shall grant an amount as provided in KRS 164.780 and this section to any applicant who meets the following qualifications:

(a) Is a Kentucky resident as defined by the Kentucky Council on Public Higher Education;

(b) Has been accepted by or is registered as a full time student in a Kentucky independent nonprofit college or university which is accredited by the Southern Association of Colleges and Schools and whose institutional programs are not comprised solely of a sectarian instruction;

(c) Is not enrolled in a course of study leading to a degree in theology, divinity, or religious education; and

(d) Has not previously attended college or university for more than seven semesters or the equivalent.

(2) The amount of the tuition grant to be paid to a student each semester, or appropriate academic term, shall be determined by the Kentucky Higher Education Assistance Authority and the Authority shall award the maximum amount permissible as determined by the need of the student.

(3) The maximum amount shall not exceed 50 per cent of the average state appropriation per full-time equivalent student enrolled in all public institutions of higher education. Such tuition grants are to be calculated annually by the Kentucky Higher Education Assistance Authority.

(4) The need of each applicant shall be determined by acceptable need analysis such as the Parents' Confidential Statement of the College Scholarship Service, and such other analyses as the authority may determine.

(5) An adjustment shall be made in the tuition grant of any student awarded a scholarship from any other source provided the combination of grants and awards exceeds the calculated need of the student. If the scholarship is for only a portion of tuition and fees, the student may qualify for a proportionate tuition grant in accordance with the provisions of KRS 164.780 and this section.

UNIVERSITY OF LOUISVILLE

164.810 DEFINITIONS FOR KRS 164.810 TO 164.870.

(1) As used in KRS 164.810 to 164.870, the following terms shall have, unless the context shall otherwise indicate, the following meanings:

(a) "University of Louisville" means the university which is situated in a city of the first class, and which has heretofore constituted a municipal university within the meaning and application of KRS 165.020, et seq;

(b) "Council" means the Council on Public Higher Education in Kentucky.

(2) Consistent with the provisions of KRS 164.026 and Chapter 239 of the 1968 Kentucky Acts, the University of Louisville shall be maintained as a state institution effective July 1, 1970, subject to its qualification to receive the benefits of such status in the manner set forth in subsection (3) of this section.

(3) The University of Louisville, having been chartered by Chapter 137, Acts of 1845-6, approved February 7, 1846, effective in accordance with its terms on March 15, 1846; having become subject to the laws of the Commonwealth generally applicable to corporations of the same category according to the import of subsection Seventeenth of Section 59 of the present Constitution of the Commonwealth; and having duly filed in the office of the Secretary of State its acceptance of the present Constitution of the Commonwealth, in accordance with Section 190 thereof, may qualify to receive the benefits of its status as a state institution; as provided in KRS 164.810 to 164.870, by action of its board of trustees in adopting and causing to be filed for public record such proceedings as are required by law, amending its charter or articles of incorporation in such manner as to conform to the provisions of KRS 164.810 to 164.870. (1970, c. 65, § 1)

164.815 UNIVERSITY OF LOUISVILLE; PROGRAMS.

(1) The University of Louisville shall provide:

(a) Baccalaureate degree programs of instruction;

(b) Upon approval of the Council on Public Higher Education, masters degree programs, specialist degrees above the master degree level, doctoral degree programs and joint doctoral programs in cooperation with other state-supported institutions of higher education.

(c) Upon approval of the Council on Public Higher Education, professional degree programs including medicine, dentistry, law, engineering and social professions.

(2) The University of Louisville is authorized to provide programs of a community college nature in its own community comparable to those listed for the Community College System as provided in this chapter.

(3) The University of Louisville shall continue to be a principal university for the conduct of research and service programs without geographical limitation but subject to the implied limitation of KRS 164.125(2).

164.820 BOARD OF TRUSTEES.

(1) The government of the University of Louisville is vested in a board of trustees consisting of ten competent citizens of Kentucky appointed by the Governor; one non-voting member of the teaching faculty of the University of Louisville who shall be the chief executive of the ranking unit of faculty government; and a student member who shall be the president of the student body; however, if the student body president is not a full-time student who maintains a permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member. The faculty member and student body member shall cease to be eligible for membership on the board of trustees upon termination of their respective relationships with the university, and vacancies occurring by reason of such termination shall be filled for the remainder of the respective terms in the same manner. The ten citizen members of the board shall annually elect one of their number to serve as chairman of the board.

(2) To facilitate transition of the University of Louisville to full status as a state institution, terms of members of the board of trustees in office on July 1, 1970, shall be terminated as of that date or as of the date their successors are appointed and qualify, and their successors shall be appointed by the Governor according to the following schedule:

(a) Two for one year terms, one of which shall be from a list of three names submitted by the mayor of the city of the first class;

(b) Two for two year terms, one of which shall be an alumnus or alumna of the university, selected from a list of three names submitted by the alumni of the university in such manner and according to rules prescribed by the board of trustees;

(c) Three for three year terms, one of which shall be from a list of three names submitted by the mayor of the city of the first class;

(d) Three for four year terms, one of which shall be from a list of three names submitted by the county judge of the county in which the city of the first class is located.

(3) At the expiration of the respective terms of the citizen members of the board of trustees as prescribed in subsection (2) of this section, successors shall be appointed by the Governor for terms of four years each, and in making such appointments the Governor shall observe the requirements relating to nominations by the mayor of the city of the first class, the county judge of the county in which the city is located, and the alumni members. Subject to such requirements the Governor shall make his appointments from the state at large so as to divide the representation upon the board as nearly equally as possible between the two leading political parties in this state.

(4) Whenever, in the judgment of the state Commissioner of Finance, the total appropriations from the governments of the City of Louisville and Jefferson County shall fall below the level of support existing on July 1, 1970, or below 12 percent of the combined total of state and local appropriations to the university for more than one city or county budgetary period, the nominating authority of the mayor of the city of the first class and the county judge of the county in which the city is located shall terminate, and the appointments for all trustees, except the one selected from recommendations of the alumni, shall be made directly and exclusively by the Governor. Such alteration shall not affect the total number of memberships on the board.

(5) Vacancies among the citizen members of the board occurring by death, resignation, removal of residence from the Commonwealth or any other cause shall be filled by appointments made by the Governor for the expiration of the term, subject to the qualifications set forth in subsections (3) and (4) of this section.

(6) No member of the board of trustees or of the teaching or administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the faculty and student members.

(7) Subsection (2) of KRS 63.080 is hereby expressly made applicable to members of the board of trustees of the University of Louisville. (1970, c. 65, § 2)

164.830 POWERS OF BOARD.

(1) The board of trustees of the University of Louisville shall constitute a body corporate, with the usual corporate powers, and shall possess all the authorities, immunities, rights, privileges and franchises usually attaching to the governing bodies of Kentucky public higher educational institutions. Powers of the board shall include the following:

(a) Appointment of a president, all faculty members and other personnel and determination of the compensation, duties and official relations of each.

(b) Suspension or removal of the president, officers, faculty, agents or other personnel that it is authorized to appoint, except that no president, professor or teacher shall be removed except for incompetence, neglect of or refusal to perform his duty or for immoral conduct and that such removal shall be made in accordance with procedures established by law for state institutions.

(c) Election of a vice chairman and such other officers as it deems wise, including the annual election of a five-member executive committee which shall have the powers that the board delegates to it and shall operate under such rules as the board shall establish under its authority to make such bylaws, rules and regulations consistent with this chapter.

(d) Receipt, retention and administration, on behalf of the university, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property.

(e) Requirement of such reports from the president, officers, faculty and employes as it deems necessary and proper from time to time.

(f) Granting degrees to graduates of the university, prescription of conditions upon which postgraduate honors may be obtained, and conferment of honorary degrees.

(2) The provisions of KRS 164.030, 164.200, 164.250, 164.280, 164.390, 164.410, and 164.460 shall be applicable to the University of Louisville except where inconsistent with the purposes of KRS 164.810 to 164.870. (1970, c. 65, § 3)

164.840 APPROPRIATIONS BY CITY.

(1) The governing body of a city of the first class wherein there is situated a state educational institution affording instruction and conferring degrees above the high school grade may make an annual appropriation from the general funds of the city, or from funds derived from other sources, for the support of such state educational institution. Such appropriation shall be such sum as in the judgment of the governing body of the city shall, when supplemented by other income of the state educational institution, be reasonably necessary for such purposes; and the funds so appropriated by the governing body of the city may be paid to the treasurer of the university by the director of finance of the city in regular monthly installments.

(2) The governing body of such city of the first class may additionally set apart or appropriate as a site or sites for buildings and grounds of such state educational institution any public grounds of the city not specially appropriated or dedicated by ordinance to another use. (1970, c. 65, § 4)

164.850 APPROPRIATIONS BY COUNTY. Consistent with subsection (11) of KRS 67.080, the fiscal court of a county containing a city of the first class wherein there is situated a state educational institution affording instruction and conferring degrees above the high school grade, may appropriate county funds for the benefit of such state educational institution. (1970, c.65, § 5)

164.860 REVENUE BONDS. The board of trustees of the University of Louisville may issue revenue bonds of the university for the erection of buildings and appurtenances to be used in connection with the university for educational purposes, and otherwise as provided in KRS 162.340 to 162.380, and subject to the provisions of KRS Chapter 56, provided, said board of trustees may in its discretion issue such revenue bonds not only for the purposes and in the manner set forth in KRS 162.340 to 162.380, but also for the purposes of refinancing any mortgages, mortgage bonds, revenue bonds, notes, or other evidences of indebtedness previously issued or incurred by the university in connection with the acquisition of lands or the purchase, erection or other acquisition of buildings and appurtenant facilities for educational purposes of the university. Provided, however, that this section shall not be construed to authorize the issuance of revenue bonds of a face amount in excess of $16,000,000 for the purpose of refinancing any mortgages, mortgage bonds, revenue bonds, notes or other evidences of indebtedness previously issued or incurred. (1970, c. 65, § 6)

164.870 TITLE TO ROAD PROPERTY. Proceedings taken by the University of Louisville, through action of its board of trustees, in qualifying to receive the benefits of its status as a state institution as provided in subsection (3) of KRS 164.810 shall vest in the Commonwealth for the use and benefit of the University of Louisville (without execution and recording of any instruments of conveyance) title to all property which may be vested in the University of Louisville at the date such qualifying action is perfected according to law.

The title so vested in the Commonwealth for the use and benefit of the University of Louisville shall be such title as the University of Louisville may own at that time, and shall be subject to such liens and encumbrances as may then exist thereon. Real property thereafter acquired by the University of Louisville or for its use and benefit shall be in accordance with the provisions of KRS 56.020 to 56.060, and any such acquisition of real property, and all dispositions of real property of the university, shall be subject to the provisions of KRS 56.440 to 56.520. Personal property thereafter acquired by the University of Louisville or for its use and benefit shall be in accordance with provisions of KRS 164.830. (1970, c. 65, § 8)

A NEW SECTION OF CHAPTER 164 OF THE KENTUCKY REVISED STATUTES (Acts 1970, c. 65, § 9, SB 117, 2nd Committee Substitute) IS CREATED TO READ AS FOLLOWS:

(1) The Council on Public Higher Education shall make recommendations concerning the statutory authority of the University of Louisville as a state supported school in the state system of higher education; study and report on the nature and scope of the institutions of higher education that will form the state supported system after the University of Louisville becomes a part thereof; study and report on the nature and scope of the Council on Public Higher Education; and report and make recommendations to the Interim Study Commission on Higher Education on matters herein suggested not later than January 1, 1971.

(2) There is hereby established the Interim Study Commission on Higher Education. The commission shall consist of five members of the House of Representatives, two of whom shall be the Chairman and Vice Chairman of the Appropriations and Revenue Committee and three of whom shall be appointed by the Speaker thereof, and four members of the Senate, two of whom shall be Chairman and Vice Chairman of the Appropriations and Revenue Committee and two of whom shall be appointed by the President thereof. The Commission shall select a chairman from among its members; and shall meet at the call of the chairman. The Commission shall receive and study the report and recommendations directed by this Act, and shall make recommendations and proposals for legislation pertinent to the purposes of this Act, which shall be presented to the General Assembly at the earliest opportunity, no later than the 1972-73 regular session.

This Act shall become effective July 1, 1970.

MEDICAL SCHOOL CURRICULUM

164.910 TEACHING OF GENERAL PRACTICE OF MEDICINE IN ALL MEDICAL SCHOOLS RECEIVING STATE FINANCIAL ASSISTANCE. Each and every medical school established and assisted financially by the State of Kentucky shall include in the curriculum a department of general practice of medicine under the direction and supervision of a qualified general practitioner. The minimum requirements for the department shall include courses of study in family care including clinical experience, a program of preceptorships, a program of internships or general practice residencies in a hospital and such other teaching techniques as in the judgment of the management of the school shall be best suited to encourage and implement the preparation of students for the general practice of medicine. (1970, c. 240, § 1)

This Act shall take effect July 1, 1970.

LICENSING OF NON-PUBLIC COLLEGES

164.945 DEFINITIONS FOR KRS 164.945 TO 164.947

As used in KRS 164.945 to 164.947, unless the context otherwise requires:

(1) "College" means any educational facility maintained or conducted by any person, association, partnership, corporation, or trust and operating as an institute, junior college, college, university, or entity of whatever kind which awards a degree, diploma, or other statement of recognition purporting to indicate a level of collegiate attainment beyond secondary school graduation. The following shall be excluded from this definition as it applies to the licensing and regulation requirements of KRS 164.945 to 164.947:

(a) Colleges provided, operated, and supported by federal, state, or county government or any of their political subdivisions.

(b) Colleges licensed or approved for establishment and operation under the statutory authority given to the Kentucky Board of Barbering under KRS 317.430, the Kentucky Board of Hairdressers and Cosmetologists under KRS 317.480, the Kentucky State Board of Business Schools under KRS 331.010, the Kentucky Board of Nursing Education and Nurse Registration under KRS 314.121, and any statutes governing the proprietary schools.

(2) "Degree" means any academic or honorary title of designation, mark, appellation, series of letters, numbers or words, such as, but not limited to associate, bachelors, masters, doctorate, or fellow, which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study beyond the secondary school level.

(3) "Diploma" means a certificate, transcript, report, document, or title of designation, mark, appellation, series of letters, numbers, or words which signifies, purports, or is generally taken to signify attendance, progress, or achievement in an academic program.

164.946 DECLARATION OF INTENT FOR KRS 164.945 TO 164.947.

It is the purpose of KRS 164.945 to 164.947 to promote and to enhance the opportunity for higher education in Kentucky by giving recognition and approval to bona fide colleges and universities as a protection to such bona fide institutions and as a protection to the citizens of the Commonwealth against those agencies and institutions of whatever name or organization which resort to fraudulent practices, unfair competition, or substandard educational programs.

164.947 REGULATIONS AND PROCEDURES FOR LICENSING OF COLLEGES BY STATE BOARD OF EDUCATION.

(1) On recommendation of the Council on Public Higher Education, the State Board of Education by regulation shall adopt standards and procedures for the licensing of colleges to ensure that the programs of preparation are comparable to the generally accepted standards of collegiate instruction with respect to faculty, curriculum, facilities, and student cost and that there is full disclosure with respect to the philosophy and purposes of the institutions and their capacity to fulfill these objectives.

(2) Nothing contained in KRS 164.945 to 164.947 is intended in any way nor shall be construed to regulate the stated purpose of a non-public college or to restrict religious instruction or training in a non-public college.

(3) Immediately from March 25, 1972, all colleges as defined herein shall be required to hold a license issued by the Superintendent of Public Instruction under the provisions of KRS 164.945 to 164.947 and under the regulations of the State Board of Education provided that any college actually in operation on March 25, 1972, shall be permitted to continue in operation until a license has been issued or has been denied.

(4) The designated use of the title "college" or "university" in combination with any series of letters, numbers or words shall be restricted to the institutions licensed under KRS 164.945 to 164.947 or to such institutions which were in operation on March 25, 1972, except that new branches, divisions, or additions to existing institutions shall be licensed.

SAFETY AND SECURITY DEPARTMENT

164.950 SAFETY AND SECURITY DEPARTMENTS AND OFFICERS AUTHORIZED. The governing board of each public institution of higher education is authorized to establish a safety and security department and appoint safety and security officers and other employees for the university, college, or other institution of public higher education for which it is responsible, to prescribe distinctive uniforms for the safety and security officers of said institution, and to designate and operate emergency vehicles. Safety and security officers so appointed shall take an appropriate oath of office, in the form and manner consistent with the Constitution of Kentucky, and shall serve at the pleasure of the governing board.

164.955 SAFETY AND SECURITY OFFICERS - POWERS AND DUTIES.

(1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective institution employing them. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:

(a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage;

(b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

(2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:

(a) When in hot pursuit of an actual or suspected violator of the law; or

(b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section; or

(c) When requested to act by the chief of police of the city or county in which the institution's property is located; or

(d) When requested to act by the sheriff of the county in which the institution's property is located; or

(e) When requested to act by the director of state police; or

(f) When requested to act by the authorized delegates of those persons or agencies listed in (c), (d) or (e) above; or

(g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or

(h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.

(3) Safety and security officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the university. Where desirable and at the discretion of the institution of higher education's police officials, the university safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

(4) Safety and security departments created and operated by the governing boards of public institutions of higher education shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.

(5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Kentucky state police, sheriff, constable, or other peace officer either on the property of an institution of higher education or otherwise.

164.960 SAFETY AND SECURITY OFFICERS; QUALIFICATIONS.

All persons appointed as safety and security officers pursuant to KRS 164.950 to 164.980 shall, at the time of their employment, be:

(1) Not less than eighteen years of age; and

(2) Comply with the requirements of KRS 61.300, other than the age requirement; and

(3) Shall possess whatever other requirements as may be set by the governing board of the institution of public higher education which employs them.

164.965 SAFETY AND SECURITY OFFICERS; PROMOTION AND COMPENSATION.

The governing board of each institution of public higher education may provide for the appointment or promotion to the ranks and grades and positions of the department such officers and civilians as are considered by the board to be necessary for the efficient administration of the department. Such officers and civilians shall receive such compensation as shall be fixed and paid by the board.

164.970 SAFETY AND SECURITY OFFICERS; USE OF VEHICLES.

(1) Vehicles used for emergency purposes by the safety and security department of a public institution of higher education shall be considered as emergency vehicles and shall be equipped with blue lights and sirens and shall be operated in conformance with the requirements of KRS Chapter 189.

(2) Safety and security officers directly employed by the governing boards of public institutions of higher education pursuant to KRS 164.950 to 164.980 shall have the rights accorded to peace officers in cities of the first four classes provided under KRS 435.230, provided the governing board of the public institution of higher education so authorized in writing.

(3) Safety and security departments of public institutions of higher education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor; KRS 432.570 to the contrary notwithstanding.

(4) Safety and security departments of public institutions of higher education shall comply with the requirements of the Kentucky Revised Statutes and the Department of Public Safety with regard to reporting of criminal and other statistics.

164.975 REGULATIONS OF THE USE OF EDUCATIONAL PROPERTY.

(1) The governing boards of public institutions of higher education, each having the power and authority to govern and control the method and purpose of use of property owned or occupied by their respective institution, including travel over such property, is each hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles or other vehicles as well as the traffic of pedestrians on, over and across the streets, roads, paths and grounds of real property owned, used or occupied by such institution. Such regulations applicable to traffic and parking may include, but not be limited to, the following provisions:

(a) Provisions governing the registration, speed, operation, parking and times, places and manner of use of motor vehicles, bicycles and other vehicles.

(b) Provisions prescribing penalties for the violation of such regulations, which penalties may include the imposition of reasonable charges, the removing and impounding (at the expense of the violator) of vehicles which are operated or parked in violation of such regulations, and the denial of permission to operate vehicles on the property of such institution.

(c) Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by such institution. Provided, however, that nothing herein contained shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys or ways.

(2) Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.

164.980 IMPERSONATION OF SAFETY OR SECURITY OFFICER PROHIBITED.

No person shall falsely represent himself to be a safety and security officer, agent or employe of a safety and security department of a public institution of higher education and in such assumed character, arrest, or detain, or search, or question, in any manner the person or property of any person, nor shall any person without the authority of the governing board of the public institution of higher education wear its official uniform, insignia, badge, or identification of the department.

PENALTIES

164.990 PENALTIES

(1) Any person or persons making fraudulent statements to obtain benefits under KRS 164.515 shall be imprisoned in the penitentiary for one year or fined one thousand dollars or both.

(2) Any person who violates the provisions of KRS 164.715 or subsection (1) of KRS 164.720 shall be fined not less than fifty dollars nor more than five hundred dollars or confined in jail for not less than ten days nor more than six months, or both fined and imprisoned. (1960, c. 92, § 6, subsection (2) enacted as 1962, c. 278, § 8)

(3) Any person who violates the provisions of KRS 164.980 shall be fined not less than $50 nor more than $1,000 or shall be imprisoned in the county jail for not less than ten nor more than ninety days, or both.

164.991 PENALTY. Any person who deliberately violates the provisions of KRS 164.283, upon conviction, shall be punished by a fine of not less than $25, nor more than $100, and/or imprisonment in the county jail for up to thirty days.

CHAPTER 165

CITY UNIVERSITIES AND COLLEGES

165.010 DEFINITION OF MUNICIPAL UNIVERSITY, COLLEGE AND JUNIOR COLLEGE. A municipal university, college or junior college as used in this chapter means any university, college or junior college established or supported in whole or in part by funds raised by municipal taxation.

165.030 APPROPRIATION FOR UNIVERSITY. The board of aldermen of a city of the first class having a municipal university may make an annual appropriation from the general fund of the city for the support of such university. Such appropriation shall be such sum as in the judgment of the board of aldermen shall, when supplemented by other income of the university, be reasonably necessary for such purposes. (1954 c 166, § 1. Eff. 6-17-54.)

165.040 PAYMENT OF APPROPRIATION TO UNIVERSITY. The funds appropriated by the board of aldermen of a city of the first class as provided in KRS 165.030 may be paid to the treasurer of the university by the director of finance of the city in regular monthly installments. (1954 c. 166, § 2. Eff. 6-17-54.)

165.050 APPROPRIATION OF FUNDS OTHER THAN TAXES. The board of aldermen of a city of the first class having a municipal university may devote to university purposes funds derived from other sources as well as from taxes levied for general city purposes. (1954 c 166, § 3. Eff. 6-17-54)

165.060 APPROPRIATION OF LAND FOR UNIVERSITY. The board of aldermen of a city of the first class may set apart or appropriate as a site for the buildings and grounds of its municipal university any public grounds of the city not specially appropriated or dedicated by ordinance to another use.

165.070 CONDEMNATION, PURCHASE OR GIFT OF LAND. The board of trustees of a municipal university in a city of the first class may acquire, by purchase or gift, lands and improvements for the purpose of expanding the plant and extending the usefulness of the university, and when unable to agree with the owner of land and improvements necessary for the purposes of the university may proceed to condemn the land and improvements. The condemnation proceedings shall be conducted in the manner provided in KRS 416.120.

165.080 [2948b-2; 2948b-3] BOND ISSUE QUESTION MAY BE SUBMITTED TO VOTERS. The board of aldermen of any city of the first class may adopt an ordinance submitting to the voters of the city at any regular election held in the city the question of whether or not bonds of the city shall be issued for the benefit of the municipal university. Authorization of the bond issue and submission of the question to the voters may be by one ordinance and at one election covering the entire amount of the bonds or it may be by different ordinances authorizing different elections at different times for parts of the total amount. The ordinance shall provide the date and maturity of the bonds, the rate of interest they shall bear and the total amount to be then issued, and shall contain the necessary details with reference to the execution and delivery of the bonds, their denominations, coupons to be attached, and taxes to be levied to pay interest and to create a sinking fund to retire the bonds at maturity. A failure of the voters at one election to authorize a bond issue shall not prevent submission of the question of issuing bonds at subsequent elections. (1950 c 113. Eff. 6-15-50.)

165.090 [2948b-5] SALE OF BONDS; DISPOSITION OF PROCEEDS. Bonds issued under authority of KRS 165.080 shall be placed under the control of the president and trustees of the university, who shall determine when and at what price they shall be sold, but no bonds shall be sold for less than par. Any premium obtained from the bonds shall constitute a part of the sinking fund for their ultimate redemption. The proceeds of the bonds shall be deposited to the credit of the university in the depositories that are selected for the deposit of the funds of the sinking fund commissioners of the city, upon the same agreement as to interest, and shall be withdrawn upon the checks of the treasurer of the university, countersigned by the president thereof.

165.100 [2948b-4] PURPOSES FOR WHICH PROCEEDS MAY BE USED. The money derived from the bonds issued under authority of KRS 165.080 shall be used to meet the needs of the university. The authorized use includes the payment for real estate and buildings purchased or to be purchased, the erection and alteration of improvements, and the securing of proper equipment, but does not include the payment of salaries or operating expenses or the payment of any existing indebtedness incurred as an operating expense. (1954 c 32. Eff. 6-17-54.)

165.110 [2948b-6] BONDS OF OFFICERS TO COVER DUTIES UNDER BOND ISSUE. The president and treasurer of the university shall each give bond with approved surety in a sum fixed by the board of aldermen of the city. The bond shall be payable to the university and obligate the makers to perform faithfully the duties of their offices and faithfully account for and pay over all money or other thing of value that may come into their hands. The bonds shall be kept in force during the time any money received from the bond issue provided for by KRS 165.080 is being handled or administered by the university or its officers.

165.120 [2948b-7] EMPLOYMENT OF TECHNICAL ADVISERS AND OTHERS FOR CONSTRUCTION WORK. The president and trustees of the university may employ such persons as they deem necessary, including architects and other technical advisers, to perform any work for which a bond issue has been provided.

165.130 [2948b-8] CONTRACTS; BIDS FOR. Any work for which a bond issue has been provided may be done by contract or otherwise, in the discretion of the president and trustees of the university. When any contract involves the expenditure of two thousand dollars or more it shall be awarded to the lowest and best bidder. All bids or parts of bids for any such work, or for any supplies, may be rejected by the president and trustees. The president and trustees may do any part of the work by day labor when deemed advisable.

165.140 [2948a-7; 2948b-9] FINANCIAL AND OTHER REPORTS CONCERNING UNIVERSITY. The president and trustees of a municipal university in a city of the first class shall annually report to the mayor and the board of aldermen of the city what they do under the provisions of KRS 165.080 to 165.130, and account for all funds received by them. An annual report and audit of receipts and disbursements of funds received by the university under KRS 165.030 to 165.050 shall be made in addition to other reports required by its charter.

165.150 [2948c-1 to 2948c-16] LAW SCHOOL BUILDINGS FOR MUNICIPAL UNIVERSITY; ERECTION OF.

(1) Any city of the first class may, if the necessary ground is conveyed to the city without cost and free of all liens and encumbrances, erect law school buildings, with necessary appurtenances, for the purpose of supplying the municipal university of the city with adequate buildings necessary to carry out its powers and duties. The city shall proceed under the provisions of KRS 162.160 to 162.280. When so applied, KRS 162.160 to 162.280 shall be so read that:

(a) "School building" means "law school building."

(b) "Board of education of the school district" means "board of trustees of the municipal university."

(c) "KRS 162.150 to 162.280" means "KRS 165.150."

(d) "from the Public Works Administration or other agency of the Federal Government," in KRS 162.170, is replaced by "secured by a lien on the revenues derived from the building."

(e) "thirty years," in KRS 162.180, means "fifty years."

(f) "KRS 162.150," in KRS 162.160 and 162.170, means "KRS 165.150."

(g) "and to the Superintendent of Public Instruction," in KRS 162.160, is omitted.

(h) The period of the lease contemplated by KRS 162.160 shall not exceed a maximum of fifty years, and the insurance required in the lease shall at least equal the value of the improvements.

(2) This section creates an additional and alternate method for the erecting of law school buildings for municipal universities in cities of the first class, and does not affect any other statute. No proceedings shall be required for the erection of any law school building under this section or the issuance of bonds therefor except those prescribed by this section.

165.160 [3219-1; 3219-2; 3219-5] MUNICIPAL COLLEGES IN CITIES OF SECOND CLASS; ESTABLISHMENT; BOARD OF TRUSTEES.

(1) Cities of the second class may establish or acquire by lawful conveyance municipal colleges for the purpose of promoting public education. A college in a city of the second class shall not constitute a municipal college or receive support as provided in KRS 165.170 to 165.190 unless it is controlled by a board of trustees appointed by the mayor and legislative body of the city, and unless its principal work is the maintenance of courses affording instruction in such arts, sciences and professions and conferring such certificates of attainment as are authorized by other similar institutions of learning above the high school grade. (1960 c 203, § 1. Eff. 6-16-60.)

(2) If the college is supported by a municipal college support district, three members of the board of trustees mentioned in subsection (1) shall be appointed by the governing body of the district. (1960 c 203, § 1. Eff. 6-16-60)

165.165 BOND ISSUE FOR MUNICIPAL COLLEGE. The legislative body of a city of the second class in which a municipal college or junior college exists under the provisions of KRS 165.160 to KRS 165.260 may, for educational purposes, use and employ all the authority contained in KRS 165.080 to 165.140 and KRS 162.340 to 162.380 to issue bonds for the benefit of such college. (1962 c 147. Eff. 6-14-62)

165.170 [3219-1; 3219-3] TAX LEVY FOR MUNICIPAL COLLEGE; AMOUNT; DISPOSITION OF. The legislative body of any city of the second class that has a municipal college may, after an election as required by § 184 of the Constitution, annually levy and collect, for the support of the municipal college, a tax of not less than five nor more than fourteen cents on each one hundred dollars' worth of property subject to taxation for city purposes. The levy of such taxes shall be made at the same time and in the same manner as other levies for city purposes. The amount levied shall be placed to the credit of the municipal college fund upon the completion of the assessment of property for taxation, and paid as collected, subject to the discount allowed on other city taxes, by the treasurer of the city to the treasurer or other financial officer of the college, for the purpose of establishing, acquiring and operating the college. The taxes authorized by this section shall be construed to be school taxes and shall be in addition to all other taxes authorized by law to be used for municipal or school purposes. (1960 c 203, § 2. Eff. 6-16-60)

165.175 MUNICIPAL COLLEGE SUPPORT DISTRICT.

(1) The fiscal court of a county containing a city of the second class in which is located a municipal college, having obtained the authorization of the legislative body of such city for the college to accept tax support from a Municipal College Support District and for appointment of three members of the college board of trustees by the governing body of the district, may establish a Municipal College Support District consisting of the territory in the county outside the limits of the city in which is located the college. The members of the fiscal court shall constitute the governing body of the district. Subject to the provisions of subsection (2), the district may levy a tax of not less than five or more than fourteen cents on each one hundred dollars of the assessed valuation of all property in the district. The funds raised by this tax shall be used solely to support the college. (1960 c 203, § 3. Eff. 6-16-60)

(2) A certified copy of the order of the fiscal court creating the district shall be filed by the governing body of the district with the county clerk at least forty-five days before a regular election, and the clerk shall cause the question whether the tax is to be imposed to be placed upon the ballots to be given to voters residing in the district. The question shall be so phrased as to ask the voter whether he favors the imposition of a tax of not less than five or more than fourteen cents on each one hundred dollars of the assessed valuation of all property in the district for the purpose of supporting the municipal college in the second class city in the county. If a majority of those voting on the question favor the imposition of the tax, the governing body of the district shall levy the tax. (1960 c 203, § 3. Eff. 6-16-60)

(3) The sheriff shall collect the taxes due the district at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall be allowed a fee not to exceed four percent for collection of this tax. The money collected shall be paid to the college board of trustees. (1960 c 203, § 3. Eff. 6-16-60)

165.180 [3219-4] APPROPRIATION OF FUNDS OTHER THAN TAXES. Any city of the second class having a municipal college may devote to college purposes any funds or properties derived from sources other than taxes levied for special purposes.

165.190 [3219-6] APPROPRIATION OF LAND FOR COLLEGE. The legislative body of any city of the second class may appropriate as a site for the buildings and grounds for a municipal college any public grounds of the city not especially appropriated or dedicated to any other use.

165.195 ACQUISITION OF PROPERTY BY BOARD OF TRUSTEES. The board of trustees of a municipal college in a city of the second class may acquire, by purchase or gift, lands and improvements for the purpose of expanding the plant and extending the usefulness of the college, and when unable to agree with the owner of land and improvements necessary for the purposes of the college may proceed to condemn the land and improvements. The condemnation proceedings shall be conducted in the manner provided by KRS 416.230 to 416.310. (1960 c 203, § 4. Eff. 6-16-60)

165.200 [3219-7] FINANCIAL AND OTHER REPORTS CONCERNING COLLEGE. An annual report and audit of receipts and disbursements of funds received by a municipal college under KRS 165.160 to 165.190 shall be made in addition to such other reports on the condition of the college as are required by its charter or by the governing body of the city.

165.210 [3219-8; 3219-9; 3219-12] MUNICIPAL JUNIOR COLLEGES IN CITIES OF SECOND CLASS; ESTABLISHMENT AND CONTROL OF. Boards of education of cities of the second class may establish or acquire by lawful conveyance municipal junior colleges for the purpose of promoting public education. A college in a city of the second class shall not constitute a municipal junior college or receive support as provided in KRS 165.220 to 165.240 unless it is controlled by the board of education of the city as a part of the public school system, and unless its principal work is the maintenance of courses affording instruction in such arts, sciences and professions and conferring such certificates of attainment as are authorized by other similar institutions of learning above high school grade.

165.220 [3219-8; 3219-10] TAX LEVY FOR JUNIOR COLLEGE. The board of education of any city of the second class may request and the legislative body of the city shall then, after an election as required by § 184 of the Constitution, annually cause to be levied and collected, for the support of a municipal junior college, a tax of not less than five nor more than seven cents on each one hundred dollars' worth of property subject to taxation for city purposes. The levy of such taxes shall be made at the same time and in the same manner as other levies for public school purposes. The amount levied shall be placed to the credit of the board of education fund upon completion of the assessment of property for taxation, and paid as collected, subject to the discounts or penalties allowed on other city taxes, by the treasurer of the city to the treasurer of the board of education for the purpose of establishing, acquiring and operating the college. The taxes authorized by this section shall be construed to be school taxes and shall be in addition to all other taxes authorized by law to be used for municipal or school purposes.

165.230 [3219-11] TUITION CHARGED BY JUNIOR COLLEGE. The board of education of any city of the second class that establishes or acquires a municipal junior college pursuant to KRS 165.210 may, for the purpose of supplementing the tax provided in KRS 165.220, charge each pupil attending the college an annual tuition fee of not more than two hundred dollars. The tuition fee shall be collected by the treasurer of the board of education and placed to the credit of the board of education college fund, and shall be used for maintaining and operating the college. (1948 c 31. Eff. 6-17-48)

165.240 [3219-13] APPROPRIATION OF LAND FOR JUNIOR COLLEGE. The board of education of any city of the second class may set apart or appropriate any site or school building, or part of a school building and grounds, not needed for general school purposes, for the use of a municipal junior college.

165.250 [3219-14] FINANCIAL REPORT OF JUNIOR COLLEGE. An annual report and an audit of receipts and disbursements of the junior college fund shall be made by the board of education of the city.

165.260 [3219-15] EXISTING JUNIOR COLLEGES NOT AFFECTED. KRS 165.210 to 165.250 do not affect cities that had established and were operating, on January 27, 1937, municipal junior colleges other than by boards of education.

165.270 [4399-20] CITY OF FIRST CLASS MAY PROVIDE FOR TRAINING TEACHERS. In an independent school district embracing a city of the first class the board of education may make provision for the training of teachers in the district.

165.280 BOARD OF EDUCATION IN COUNTY CONTAINING CITY OF FOURTH CLASS MAY ESTABLISH JUNIOR COLLEGE; TAX FOR SUPPORT; ELECTION OF QUESTION OF ESTABLISHMENT. Boards of education of school districts in counties containing a city of the fourth class, whether the boundary lines of the district are contiguous with that of the city or not, are hereby authorized to establish or to acquire by purchase, gift or lease, or by lawful conveyance, junior colleges for the purpose of promoting public education as defined in KRS 165.280 to 165.310. For the support and maintenance thereof the board of education of such district may levy an ad valorem tax not to exceed fifty cents on each one hundred dollars worth of taxable property within the said district, such levy to be made at the same time that the levy is made for general school purposes. This tax shall be levied annually and collected by the regular tax collector for said district as other school moneys and turned over to the treasurer of said district. Before such a junior college shall be established, the question shall be submitted to the qualified voters of the district at any general election and shall be deemed authorized when a majority of the voters in said election voting upon said proposition are in favor thereof. (1946 c 164, § 1. Eff. 6-19-46)

165.290 WHAT CONSTITUTES JUNIOR COLLEGE; COURSE OF INSTRUCTION.

(1) A junior college within the meaning of KRS 165.280 to 165.310 is a college established or supported in whole or in part by funds raised by taxation and controlled and administered by the board of education of such district as a part of the public schools, and affording instruction in arts and sciences, pre-professional and vocations, and conferring such certificates of attainment as may be authorized by other like or similar institutions of learning above high school grade or standing. (1946 c 164, §§ 2, 4. Eff. 6-19-46)

(2) A junior college shall be entitled to support under KRS 165.280 to 165.310 only when its principal work is the maintenance of courses of instruction in advance of the instruction maintained in high schools under the control of the board of education. (1946 c 164, §§ 2, 4. Eff. 6-19-46)

165.300 TUITION AND FEES; COLLEGE FUND.

(1) The board of education of any school district in a county containing a city of the fourth class that may establish or acquire a junior college under the terms of KRS 165.280 to 165.310 may, for the purpose of supplementing the tax provided in KRS 165.280, charge each pupil attending the junior college a tuition fee not to exceed $100 per annum, and such other matriculation and incidental fees as may be authorized by the board of education. The tuition fee and other fees shall be collected by the treasurer of the board of education and shall be placed to the credit of the board of education "College Fund" and shall be used for maintaining and operating a junior college. (1946 c 164, §§ 3, 6. Eff. 6-19-46)

(2) An annual report and audit of receipts and disbursements of the junior college fund shall be made by the board of education of the school district annually as of July 1. (1946 c 164, §§ 3, 6. Eff. 6-19-46)

165.310 SITE AND BUILDINGS; ISSUANCE OF BONDS. The board of education in any school district in a county containing a city of the fourth class may set apart or appropriate any site or school building or part of the school building and grounds not especially needed for general school purposes for the use of the junior college or they may acquire such property by the use of the funds accruing to the board of education through the tax levy for the college fund or from the sale of bonds authorized by a majority vote of the qualified voters voting on the proposition when submitted in approved form at any general election, but such sum may not exceed one percent of the taxable valuation of the property of the district of the last preceding tax year or the total sum available from the sale of holding company bonds by a holding company duly organized for that purpose; and sufficient money shall be set aside from the taxes collected for the junior college fund each year to pay interest and bonds coming due or to create a sinking fund to amortize such bonds. (1946 c 164, § 5, Eff. 6-19-46)

THE REGIONAL COMPACT OF SOUTHERN STATES

(Joint Resolution, SR53, General Assembly 1950.
Chapter 252, Page 841, Kentucky Acts of 1950.)

A Joint Resolution giving legislative approval to that certain compact entered into by eleven Southern States, as amended, relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens in the several States who reside in such region; to declare that the State of Kentucky is a party to said compact, as amended, and that the agreements, covenants and obligations therein are binding upon said State; and appropriating funds for Kentucky's share of the cost of administrative services and operations under said compact.

WHEREAS, on the 8th day of February, 1948, the States of Florida, Maryland, Georgia, Louisiana, Alabama, Mississippi, Tennessee, Arkansas, Virginia, North Carolina South Carolina, Texas, Oklahoma, Kentucky, and West Virginia developed a written Compact relative to the development and maintenance of regional educational services and schools in the Southern States in the professional,technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region, which Compact has since been approved by the legislatures of eleven of these States; and

WHEREAS, the said Compact has been amended in certain respects a copy of which Compact as amended is as follows:

THE REGIONAL COMPACT
(As Amended)

WHEREAS, the States who are parties hereto during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said States who are parties hereto; and

WHEREAS, the said States desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective States who are parties hereto (hereinafter referred to as "States"), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective States residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the 'Board'), the members of which Board shall consist of the Governor of each state, EX OFFICIO, and four additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of Education, and at least one of whom shall be a member of the Legislature of that State.

The Governor shall continue as a member of the Board during his tenure of office as Governor of the State, but the members of the Board appointed by the Governor shall hold office for a period of four years except that in the original appointments one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of two years, one board member to serve an initial term of three yeras, and the remaining Board member to serve the full term of four years, but thereafter the successor of each appointed Board member shall serve the full term of four years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time. The board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory State, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

It shall be the duty of the Board to submit plans and recommendations to the States from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the States and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said States and the citizens thereof, and all such educational institutions shall

be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the States authorizing the creation, establishment and operation of such education institutions.

In addition to the power and authority heretofore granted, the Board shall have the power to enter into such agreements or arrangements with any of the States and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective States residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said States.

Any two or more States who are parties of this Compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such States and to be controlled exclusively by the members of the Board representing such States provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each State agrees that, when authorized by the legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the States under the terms of this compact, the contribution of each State at all times to be in the proportion that its population bears to the total combined population of the States who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any State unless and until it shall be approved by proper legislative action of as many as six or more of the States whose Governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more States shall have given legislative approval to this compact within said eighteen months period, it shall be and become binding upon such six or more States 60 days after the date of legislative approval by the Sixth State and the Governors of such six or more States shall forthwith name the members of the Board from their States as hereinabove set out, and the Board shall then meet on call of the Governor of any State approving this Compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other States whose names are subscribed hereto shall thereafter become parties hereto upon approval of this Compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided however, that with respect to any State whose constitution may require amendment in order to permit legislative approval of the Compact, such State or States shall become parties hereto upon approval of this Compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this Compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this Compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this Compact.

If any State shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligations imposed upon said State as authorized by and in compliance with the terms and provisions of this compact, all rights privileges and benefits of such defaulting State, its members on the Board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting State by an affirmative vote of three fourths of the members of the Board (exclusive of the members representing the State in default), from and after which time such State shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this compact, but such termination shall in no manner release such defaulting State from any accrued obligations or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining States thereunder.

IN WITNESS WHEREOF this Compact has been approved and signed by Governors of the several States, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

State of Florida; State of Georgia; State of Maryland; State of Louisiana; State of Alabama; State of Tennessee; Commonwealth of Virginia; State of South Carolina; State of Oklahoma; State of Kentucky; State of Mississippi; State of Arkansas; State of North Carolina; State of Texas; and State of West Virginia.

NOW THEREFORE, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That the said Compact be and the same is hereby approved and the State of Kentucky is hereby declared to be a party thereto, and the agreements, covenants, and obligations therein are declared to be binding upon the state of Kentucky.

(2) That the Governor shall sign an engrossed copy of the Compact and sufficient copies be provided so that every State approving the Compact shall have an engrossed copy.

(3) That there hereby is appropriated, out of the General Expenditure Fund in the State Treasury, for Kentucky's share of the cost of administrative services and operations of the Board of Control for Southern Regional

Education, the sum of $14,000, which sum shall be available for expenditure during the balance of the 1949-50 fiscal year and, without lapse, during the 1950-51 and 1951-52 fiscal years. Disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisitions of the Board of Control for Southern Regional Education.

(4) Whereas, the time within which Kentucky may enter into the Compact will shortly expire, and it is essential that this Resolution take effect at once in order that Kentucky may receive the benefits arising out of participation in the Compact, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Approved March 25, 1950

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